
NEW YORK STATE
REGISTER

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 45 days following publication in the *Register* of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; and for 30 days after publication of a Notice of Revised Rule Making, or a Notice of Emergency Adoption and Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 45 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:

- the 45-day period expires on June 24, 2017
- the 30-day period expires on June 9, 2017

**ANDREW M. CUOMO
GOVERNOR**

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SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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The *New York State Register* (ISSN 0197 2472) is published weekly. Subscriptions are \$80 per year for first class mailing and \$40 per year for periodical mailing. The *New York State Register* is published by the New York State Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001. Periodical postage is paid at Albany, New York and at additional mailing offices.

POSTMASTER: Send address changes to NY STATE REGISTER, the Department of State, Division of Administrative Rules, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001

 printed on recycled paper

NEW YORK STATE REGISTER

Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online *Register* (www.dos.ny.gov) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 45-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making, and a 30-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after expiration of the public comment period.

The Administrative Regulations Review Commission (ARRC) reviews newly proposed regulations to examine issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission
State Capitol
Albany, NY 12247
Telephone: (518) 455-5091 or 455-2731

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KEY: (P) Proposal; (RP) Revised Proposal; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website (www.dos.ny.gov)

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AAM -the abbreviation to identify the adopting agency
01 -the *State Register* issue number
96 -the year
00001 -the Department of State number, assigned upon receipt of notice.
E -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

Department of Agriculture and Markets

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Species of Ash Trees, Parts Thereof and Products and Debris Therefrom Which Are at Risk for Infestation by the Emerald Ash Borer

I.D. No. AAM-19-17-00006-EP

Filing No. 288

Filing Date: 2017-04-25

Effective Date: 2017-04-25

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: Amendment of sections 141.1 and 141.2 of Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 18, 164 and 167

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: The Emerald Ash Borer, *Agrilus planipennis*, an insect species non-indigenous to the United States, is a destructive wood-boring insect native to eastern Russia, northern China, Japan and the Korean peninsula. EAB can cause serious damage to healthy ash trees by boring through their bark, consuming cambium tissue, which contains growth cells, and phloem tissue, which is responsible for carrying nutrients throughout the tree. This boring activity

results in loss of bark, or girdling, and ultimately causes the death of the tree within two years.

Ash trees, ash nursery stock, and material from ash trees such as logs, green lumber, firewood, stumps, roots, branches and debris are subject to infestation. Materials at risk of attack and infestation by EAB include the following species of North American ash trees: White Ash (*Fraxinus Americana*); Green Ash (*Fraxinus pennsylvanica*); Black Ash (*Fraxinus nigra*); and Blue Ash (*Fraxinus quadrangulata*). The movement of these materials poses a serious threat to susceptible ash trees in forests as well as in the urban landscape throughout the State.

EAB was first discovered in Michigan in June 2002, and has since spread to at least 15 other states as well as to two provinces in Canada. In 2009, EAB was detected in New York near the border of Cattaraugus and Chautauqua Counties. A quarantine of both counties was established pursuant to federal protocols for control of EAB. Since 2009, further detections were confirmed until ultimately, in 2014, 44 counties and portions of four others were placed under an EAB quarantine.

However, based upon ongoing surveys, it was determined that not all of the counties under quarantine were infested with EAB; instead, there were 14 areas in the State (Albany-Rensselaer; Bath; Binghamton; Buffalo; Livingstonville; Mid-Hudson; Montezuma; Nichols; Randolph; Rochester; Sheridan; Syracuse; Unadilla; and West Point) which were found to be infested with the pest. In response to these findings, in 2015, the Department adopted a rule which designated these areas restricted zones and established an EAB quarantine in each of these zones.

Since these restricted zones were established, further surveys and trapping have determined that EAB has continued to spread. This rule addresses this latest expansion of EAB by extending and combining the 14 restricted zones into eight restricted zones, as follows: Binghamton, Montezuma, Nichols, Syracuse and Unadilla remain unchanged; the City of Rome is a new restricted zone; Bath, Buffalo, Livingstonville, Randolph, Rochester and Sheridan are expanded and combined into a new Western Region; and Albany/Rensselaer, Mid-Hudson and West Point are expanded and combined into a new Hudson Valley Region.

However, due to the continued widespread expansion of EAB in southern New York State, this rule sets forth a quarantine area as follows: starting from a point where the Northwestern corner of Niagara County meets the Province of Ontario; heading East along the shore of Lake Ontario to a point where Cayuga and Oswego Counties meet; then South along the border between Cayuga and Oswego Counties to the Northwestern corner of the Town of Hannibal; then East along the Northern border of Hannibal to the Northwestern corner of the Town of Granby; then East along the Northern Border of Granby to a point where Granby meets the Town of Volney; then Northwest along the border between Volney and the Town of Minetto to a point where it meets the Town of Scriba; then East and Northeast along the border of between Scriba and Volney to a point where it meets the Town of New Haven; then Southeast along the Southern borders of the Towns of New Haven, Mexico, Parish and Amboy to a point where Oswego and Oneida Counties meet; then Southeast along the Northern border of the Town of Vienna to a point where it meets the Town of Annsville; then North along the Western border of Annsville to a point where it meets Lewis County; then Southeast and South along the border of Annsville to a point where it meets the Town of Lee; then East along the Northern border of Lee to a point where it meets the Town of Western; then South along the Eastern border of Lee to a point where it meets the Town of Rome; then East along the Northern border of Rome to a point where it meets the Town of Floyd; then East along the Northern border of Floyd to a point where it meets the Town of Trenton; then Northeast and East along the Northern border of Trenton to a point where it meets Herkimer County; then South along the border between Herkimer and Oneida Counties to a point where it meets Otsego County; then East along the border between Herkimer and Otsego Counties to a point where it meets Montgomery County; then East along the border between Montgomery and Otsego Counties to a point where it meets Schoharie County; then East along the border between Montgomery and Schoharie Counties to a

point where it meets Schenectady County; then Northeast and North along the border between Montgomery and Schenectady Counties to a point where it meets Saratoga County; then North along the Western borders of the Towns of Charlton and Galway to a point where the Towns of Galway and Providence meet; then East along the Northern border of Galway to a point where it meets the Town of Milton; then South along the Eastern border of Galway to a point where it meets the Town of Charlton; then East along the Southern border of the Town of Milton to a point where it meets the Town of Malta; then North along the Western border of the Town of Malta to a point where it meets the Town of Saratoga Springs; then East along the Northern border of Malta to a point where it meets the Town of Saratoga; then South along the Eastern border of Malta to a point where it meets the Town of Halfmoon; then East along the Northern border of Halfmoon to a point where it meets the City of Mechanicville; then East along the Northern border of Mechanicville to a point where it meets Rensselaer County; then Northeast and East along the Northern border of the Town of Schaghticoke to a point where it meets the Town of Pittstown; then Southwest along the border between Schaghticoke and the Town of Pittstown to a point where it meets the Town of Brunswick; then East along the Northern border of Brunswick to a point where it meets the Town of Grafton; then South along the Eastern Border of Brunswick to a point where it meets the Town of Poestenkill; then East along the Northern border of Poestenkill to a point where it meets the Town of Berlin; then South along the Western border of Berlin to a point where it meets the Town of Stephentown; then East along the Northern border of Stephentown to a point where it meets the border between the States of New York and Massachusetts; then South along the border between New York and Massachusetts to a point where it meets the State of Connecticut; then South along the border between New York and Connecticut to a point where it meets the Town of Rye; then South along the Western border of Rye to a point where it meets the Town of Harrison; then West along the Southern border of the Town of North Castle to a point where it meets the Town of Greenburgh; then West along the Northern border of Greenburgh to a point where it meets Orange County; then South along the Eastern border of Orange County to a point where the border between the States of New York and New Jersey; then Northwest along the border between the New York and New Jersey to a point where it meets the border between the States of New York and Pennsylvania; then Northwest and West along the border between New York and Pennsylvania to a point where it meets the Southwest Corner of Chautauqua County; then North along the border between New York and Pennsylvania to a point where it meets the province of Ontario; then Northeast and North along the border between New York and Ontario ending at a point where the Northwestern corner of Niagara County meets the Province of Ontario following south to Long Island.

These regulations are necessary to protect the general welfare, since the effective control of EAB in the restricted zones set forth in this rule is important to protect New York's nursery, forest products industry, urban and suburban street trees and forest resources. Establishment of these new restricted zones will help ensure that as control measures are undertaken, EAB does not spread beyond those areas via the movement of infested trees and materials.

The regulations are also necessary to balance pest risk against economic impacts as the EAB control program transitions to a management program. The immediate adoption of this rule is necessary to limit the human assisted spread of EAB through the unrestricted movement of infested material during flight season.

Based on the facts and circumstances set forth above, the Department has determined that the immediate adoption of this rule is necessary for the preservation of the general welfare and that compliance with 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

Subject: Species of ash trees, parts thereof and products and debris therefrom which are at risk for infestation by the emerald ash borer.

Purpose: To expand the emerald ash borer (EAB) quarantine to points south of the New York State Thruway to Long Island where the EAB is.

Text of emergency/proposed rule: Subdivision (d) of section 141.1 of 1 NYCRR is repealed, and subdivisions (e), (f) and (g) are re-lettered subdivisions (d), (e) and (f); Subdivision (h) of section 141.1 of 1 NYCRR is repealed and subdivisions (i) through and including subdivision (v) are re-lettered (g) through and including (t).

Subdivision (v) of section 141.1 of 1 NYCRR, now relettered to be subdivision (t), is amended to read as follows:

[(v)](t) Restricted zone. A geographic area of the state delineated on the EAB quarantine map[, which includes a core area of infestation, the buffer area and the entire area of any town or city which has 30 percent or more of its total area falling within the respective core area and/or the buffer area].

Subdivision (a) of Section 141.2 of 1 NYCRR is repealed and a new subdivision (a) is added thereto, to read and appear as follows:

(a) Establishment of quarantine area. The quarantine areas are on the quarantine map set forth below.

See Appendix in the back of this issue.

Subdivision (b) of section 141.2 of 1 NYCRR is repealed and a new subdivision (b) is added to read as follows:

(b) A copy of the map delineating the quarantine area is maintained in the office of the clerk of each local government in which the quarantine area or portion thereof is located.

Subdivisions (c) and (d) of section 141.2 of 1 NYCRR are relettered subdivisions (d) and (e) thereto, and a new subdivision (c) is added to read as follows:

(c) The map depicts the creation of a new quarantine area as follows: of that section, to create a quarantine area as follows: starting from a point where the Northwestern corner of Niagara County meets the Province of Ontario; heading East along the shore of Lake Ontario to a point where Cayuga and Oswego Counties meet; then South along the border between Cayuga and Oswego Counties to the Northwestern corner of the Town of Hannibal; then East along the Northern border of Hannibal to the Northwestern corner of the Town of Granby; then East along the Northern Border of Granby to a point where Granby meets the Town of Volney; then Northwest along the border between Volney and the Town of Minetto to a point where it meets the Town of Scriba; then East and Northeast along the border of between Scriba and Volney to a point where it meets the Town of New Haven; then Southeast along the Southern borders of the Towns of New Haven, Mexico, Parish and Amboy to a point where Oswego and Oneida Counties meet; then Southeast along the Northern border of the Town of Vienna to a point where it meets the Town of Annsville; then North along the Western border of Annsville to a point where it meets Lewis County; then Southeast and South along the border of Annsville to a point where it meets the Town of Lee; then East along the Northern border of Lee to a point where it meets the Town of Western; then South along the Eastern border of Lee to a point where it meets the Town of Rome; then East along the Northern border of Rome to a point where it meets the Town of Floyd; then East along the Northern border of Floyd to a point where it meets the Town of Trenton; then Northeast and East along the Northern border of Trenton to a point where it meets Herkimer County; then South along the border between Herkimer and Oneida Counties to a point where it meets Otsego County; then East along the border between Herkimer and Otsego Counties to a point where it meets Montgomery County; then East along the border between Montgomery and Otsego Counties to a point where it meets Schoharie County; then East along the border between Montgomery and Schoharie Counties to a point where it meets Schenectady County; then Northeast and North along the border between Montgomery and Schenectady Counties to a point where it meets Saratoga County; then North along the Western borders of the Towns of Charlton and Galway to a point where the Towns of Galway and Providence meet; then East along the Northern border of Galway to a point where it meets the Town of Milton; then South along the Eastern border of Galway to a point where it meets the Town of Charlton; then East along the Southern border of the Town of Milton to a point where it meets the Town of Malta; then North along the Western border of the Town of Malta to a point where it meets the Town of Saratoga Springs; then East along the Northern border of Malta to a point where it meets the Town of Saratoga; then South along the Eastern border of Malta to a point where it meets the Town of Halfmoon; then East along the Northern border of Halfmoon to a point where it meets the City of Mechanicville; then East along the Northern border of Mechanicville to a point where it meets Rensselaer County; then Northeast and East along the Northern border of the Town of Schaghticoke to a point where it meets the Town of Pittstown; then Southwest along the border between Schaghticoke and the Town of Pittstown to a point where it meets the Town of Brunswick; then East along the Northern border of Brunswick to a point where it meets the Town of Grafton; then South along the Eastern Border of Brunswick to a point where it meets the Town of Poestenkill; then East along the Northern border of Poestenkill to a point where it meets the Town of Berlin; then South along the Western border of Berlin to a point where it meets the Town of Stephentown; then East along the Northern border of Stephentown to a point where it meets the border between the States of New York and Massachusetts; then South along the border between New York and Massachusetts to a point where it meets the State of Connecticut; then South along the border between New York and Connecticut to a point where it meets the Town of Rye; then South along the Western border of Rye to a point where it meets the Town of Harrison; then West along the Southern border of the Town of North Castle to a point where it meets the Town of Greenburgh; then West along the Northern border of Greenburgh to a point where it meets Orange County; then South along the Eastern border of Orange County to a point where the border between the States of New York and New Jersey; then Northwest along the border between the New York and New Jersey to a point where it meets the border between the States of New York and Pennsylvania; then Northwest and West along the

border between New York and Pennsylvania to a point where it meets the Southwest Corner of Chautauqua County; then North along the border between New York and Pennsylvania to a point where it meets the province of Ontario; then Northeast and North along the border between New York and Ontario ending at a point where the Northwestern corner of Niagara County meets the Province of Ontario following south to Long Island.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire July 23, 2017.

Text of rule and any required statements and analyses may be obtained from: Christopher A. Logue, Director, Division of Plant Industry, NYS Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235, (518) 457-2087, email: christopher.logue@agriculture.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

1. Statutory authority:

Section 18 of the Agriculture and Markets Law provides, in part, that the Commissioner may enact, amend and repeal necessary rules which shall provide generally for the exercise of the powers and performance of the duties of the Department as prescribed in the Agriculture and Markets Law and the laws of the State and for the enforcement of their provisions and the provisions of the rules that have been adopted to implement these laws.

Section 164 of the Agriculture and Markets Law provides, in part, that the Commissioner shall take such action as he may deem necessary to control or eradicate any injurious insects, noxious weeds, or plant diseases existing within the State.

Section 167 of the Agriculture and Markets Law provides, in part, that the Commissioner is authorized to make, issue, promulgate and enforce such order, by way of quarantines or otherwise, as he may deem necessary or fitting to carry out the purposes of Article 14 of said Law. Section 167 also provides that the Commissioner may adopt and promulgate such rules and regulations to supplement and give full effect to the provisions of Article 14 of the Agriculture and Markets Law.

2. Legislative objectives:

These regulations are consistent with the public policy objectives the Legislature sought to advance when enacting the statutory authority, namely, preventing the spread within the State of an injurious insect, the emerald ash borer (EAB).

3. Needs and benefits:

EAB first appeared in New York State in 2009 and has since spread throughout the State. At present, there are eight quarantine areas throughout New York which have been shown to be infested with EAB through surveys and trapping. Due to a widespread expansion of EAB in southern New York State, this rule creates a quarantine area as follows: starting from a point where the Northwestern corner of Niagara County meets the Province of Ontario; heading East along the shore of Lake Ontario to a point where Cayuga and Oswego Counties meet; then South along the border between Cayuga and Oswego Counties to the Northwestern corner of the Town of Hannibal; then East along the Northern border of Hannibal to the Northwestern corner of the Town of Granby; then East along the Northern Border of Granby to a point where Granby meets the Town of Volney; then Northwest along the border between Volney and the Town of Minetto to a point where it meets the Town of Scriba; then East and Northeast along the border of between Scriba and Volney to a point where it meets the Town of New Haven; then Southeast along the Southern borders of the Towns of New Haven, Mexico, Parish and Amboy to a point where Oswego and Oneida Counties meet; then Southeast along the Northern border of the Town of Vienna to a point where it meets the Town of Annsville; then North along the Western border of Annsville to a point where it meets Lewis County; then Southeast and South along the border of Annsville to a point where it meets the Town of Lee; then East along the Northern border of Lee to a point where it meets the Town of Western; then South along the Eastern border of Lee to a point where it meets the Town of Rome; then East along the Northern border of Rome to a point where it meets the Town of Floyd; then East along the Northern border of Floyd to a point where it meets the Town of Trenton; then Northeast and East along the Northern border of Trenton to a point where it meets Herkimer County; then South along the border between Herkimer and Oneida Counties to a point where it meets Otsego County; then East along the border between Herkimer and Otsego Counties to a point where it meets Montgomery County; then East along the border between Montgomery and Otsego Counties to a point where it meets Schoharie County; then East along the border between Montgomery and Schoharie Counties to a

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Since the new quarantine area encompasses all areas, there is no longer a need for definitions of "buffer area" and "core area", since these definitions were needed when there were quarantine areas, not an entire quarantine area.

These regulations are necessary to protect the general welfare, since the effective control of EAB in the quarantine area set forth in this rule is important to protect New York's nursery, forest products industry, urban and suburban street trees and forest resources. Establishment of these new quarantine areas will help ensure that as control measures are undertaken, EAB does not spread beyond those areas via the movement of infested trees and materials.

The regulations are also necessary to balance pest risk against economic impacts as the EAB control program transitions to a management program. The immediate adoption of this rule is necessary to meet Federal protocols for new detections as well as mitigate negative economic impacts that have resulted from the current configuration of the quarantine.

Based on the facts and circumstances set forth above, the Department has determined that the immediate adoption of this rule is necessary for the preservation of the general welfare and that compliance with 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: It is anticipated that costs will be minimal. There are 1,584 registered nursery growers and 1,389 registered nursery dealers in the expanded quarantine area that will be affected by the proposed rule. In addition, there are 645 nursery growers and 1,750 nursery dealers that, while not located in the new areas that will be subject to the quarantine, sell nursery stock within those new areas. However, only a fraction of these regulated parties carry regulated articles. There is no approved protocol eliminating EAB from ash nursery stock that does not kill the nursery stock; as such, the EAB infestation has significantly reduced or eliminated the market for ash nursery stock as ornamental, street and park plantings.

Tree removal services would have the option to leave ash materials within the new quarantine areas or transport them outside of the zones under a limited permit to a federal/state disposal site for processing.

(b) Costs to the agency, the state and local governments for the implementation and continuation of the rule: The Department will realize slightly higher costs and workload incident to conducting additional inspections in the expanded quarantine areas. However, it is anticipated that the costs and workload will be minimal. Some local governments may face expenses in tree maintenance since ash trees have become popular trees to use to line streets. However, the rule does not require local governments to remove the trees from the quarantine areas. Accordingly, local governments within a quarantine area will not incur any additional expenses.

(c) The information, including the sources of such information and the methodology upon which the cost analysis is based: The costs analysis set forth above is based upon observations of the industry.

5. Local government mandate:

None.

6. Paperwork:

Regulated articles inspected and certified to be free of EAB moving from the new quarantine area established by the rule will have to be accompanied by a state or federal certificate of inspection or a limited permit.

7. Duplication:

The New York State Department of Environmental Conservation (DEC) is implementing a regulation parallel to this one.

8. Alternatives:

One alternative was to eliminate the intra-state regulation of EAB, which has been done in a number of neighboring states. This alternative was rejected. Since the EAB infestation has not reached areas north of the Thruway, there are still large areas of the State which are not infested with EAB. Failure to regulate the spread of this pest would facilitate a more rapid spread of EAB throughout New York.

9. Federal standards:

The regulations do not exceed any minimum standards for the same or similar subject areas.

10. Compliance schedule:

This rule shall take effect immediately upon filing.

Regulatory Flexibility Analysis

1. Effect of rule:

It is anticipated that the expansion of the quarantine area will have minimal impact on nursery dealers, nursery growers and those handling ash wood, regardless of their size. The EAB infestation and current federal and state quarantines have significantly reduced or eliminated the market for ash nursery stock as ornamental, street, park plantings and ash wood.

Arborists and tree care companies would have the option of leaving regulated articles within the new quarantine areas, chipping the material or transporting the articles outside the quarantine areas to a federal/state disposal site for processing under a limited permit.

The greatest economic impact of the EAB regulation would continue to be on municipalities within the new quarantine areas, as they deal with the costs to manage the effect of this pest through tree removals, treatments and assessments of existing ash inventories. However, the modifications of the EAB regulations would not alter that impact.

2. Compliance requirements:

All parties in the new quarantine areas would be required to obtain certificates and limited permits (or enter into compliance agreements) to ship regulated articles (e.g. firewood and forest products from "harvested" ash trees) outside those areas.

As there is no approved protocol to diagnose or treat nursery stock (since approved methods of eliminating EAB would kill the plants), movement of ash nursery stock outside the new quarantine area is prohibited.

It is not anticipated that local governments would be involved in the shipment of regulated articles from the quarantine area.

3. Professional services:

Those shipping regulated articles from the new quarantine area will need a compliance agreement or a limited permit issued by the Department.

It is not anticipated that local governments would be involved in the shipment of regulated articles from the new quarantine area.

4. Compliance costs:

(a) Initial capital costs that will be incurred by a regulated business or industry or local government in order to comply with the rule: None.

(b) Annual cost for continuing compliance with the rule:

Tree removal services would have the option to leave ash materials within the quarantine area or transport them outside of the area under a limited permit to a federal/state disposal site for processing.

It is not anticipated that local governments would be involved in the shipment of regulated articles from the quarantine area.

5. Economic and technological feasibility:

The economic and technological feasibility of compliance with the rule by small businesses and local governments has been addressed and such compliance has been determined to be feasible. Regulated parties shipping regulated articles outside the new quarantine areas would require an inspection and the issuance of a certificate of inspection. The majority of

shipments would be made pursuant to compliance agreements, which would not require independent inspections.

6. Minimizing adverse impact:

The Department has designed the rule to minimize adverse economic impact on small businesses and local governments. By limiting the EAB quarantine to areas where infestations exist or which are reasonably believed to be subject to infestation, the rule minimizes economic impacts while maintaining, without compromising, efforts to slow the spread of EAB.

Approaches for minimizing adverse economic impact required by section 202-a(1) of the State Administrative Procedure Act (SAPA) and suggested by section 202-b(1) of SAPA were considered. The Department has sought to minimize adverse impact of the EAB quarantine by continuing the use of compliance agreements between the Department and regulated parties --- agreements which permit the shipment of regulated articles without state or federal inspection and for which there is no charge. Given all of the facts and circumstances, the regulations minimize adverse economic impact as much as is currently possible.

7. Small business and local government participation:

There have been ongoing discussions between Department officials and forest products officials to discuss the expansion of the quarantine area. Forest product officials outlined the impacts that the expanded quarantine would have on the forest products industry, including disruption of timber sales in the expanded quarantine area. They also outlined other issues which could make non-flight season harvests challenging, such as hunting restrictions, road weight restrictions and terrain that makes winter harvesting more dangerous to workers.

In response to these concerns, the Department and the DEC have established a limited permit system which will allow flight season harvest of material which is not infested and falls within the quarantine area. This permit will only allow for the harvest and transport of high value ash logs that are not infested. The permit also requires processing of these logs within 72 hours of reaching their destination. This approach will limit lower value and infested materials from moving during flight season and will give the industry an opportunity to harvest and process high quality material which is not infested while it retains the highest value.

Movement of firewood continues to present a serious threat to spread EAB. State and federal entities are continuing aggressive outreach efforts in promoting the message "don't move firewood."

Rural Area Flexibility Analysis

1. Type and estimated numbers of rural areas:

It is anticipated that the expansion of the quarantine area will have minimal impact on nursery dealers, nursery growers and those handling ash wood in rural areas as defined in section 481(7) of the Executive Law. The EAB infestation and current federal and state quarantines have significantly reduced or eliminated the market for ash nursery stock as ornamental, street, park plantings and ash wood.

Arborists and tree care companies would have the option of leaving regulated articles within the new quarantine area, chipping the material or transporting the articles outside the quarantine to a federal/state disposal site for processing under a limited permit.

The greatest economic impact of EAB regulation would continue to be on municipalities within the new quarantine area located within rural areas, as they deal with the costs to manage the effect of this pest through tree removals, treatments and assessments of existing ash inventories. However, the modifications of the EAB regulations would not alter that impact.

2. Reporting, recordkeeping and other compliance requirements; and professional services:

All parties in the new quarantine area within rural areas would be required to obtain certificates and limited permits (or enter into compliance agreements) to ship regulated articles (e.g. firewood and forest products) outside those areas.

As there is no approved protocol to diagnose or treat nursery stock (since approved methods of eliminating EAB would kill the plants), movement of ash nursery stock outside the new quarantine areas (as is the case for the existing ones) is prohibited.

3. Costs:

The regulation will not result in any initial or ongoing costs to regulated parties.

Tree removal services would have the option to leave ash materials within the new quarantine area or transport them outside of the area under a limited permit to a federal/state disposal site for processing.

4. Minimizing adverse impact:

In conformance with State Administrative Procedure Act section 202-bb(2), the Department has designed the rule to minimize adverse economic impact on regulated parties in rural areas. By limiting the EAB quarantine to areas where infestations exist, and areas which are reasonably believed to be subject to infestation, the rule minimizes economic impacts while maintaining, without compromising, efforts to slow the spread of EAB.

Approaches for minimizing adverse economic impact were considered. The Department has sought to minimize adverse impact of the EAB quarantine by continuing the use of compliance agreements between the Department and regulated parties in rural areas --- agreements which permit the shipment of regulated articles without state or federal inspection and for which there is no charge. Given all of the facts and circumstances, the regulations minimize adverse economic impact as much as is currently possible.

5. Rural area participation:

There have been ongoing discussions between Department officials and forest products officials to discuss the expansion of the quarantine area. Forest product officials outlined the impacts that the expanded quarantine would have on the forest products industry, including disruption of timber sales in the expanded quarantine area. They also outlined other issues which could make non-flight season harvests challenging, such as hunting restrictions, road weight restrictions and terrain that makes winter harvesting more dangerous to workers.

In response to these concerns, the Department and the DEC have established a limited permit system which will allow flight season harvest of material which is not infested and falls within the quarantine area. This permit will only allow for the harvest and transport of high value ash logs that are not infested. The permit also requires processing of these logs within 72 hours of reaching their destination. This approach will limit lower value and infested materials from moving during flight season and will give the industry an opportunity to harvest and process high quality material which is not infested while it retains the highest value.

Movement of firewood continues to present a serious threat to spread EAB. State and federal entities are continuing aggressive outreach efforts in promoting the message "don't move firewood."

Job Impact Statement

The forest-based economy generates payrolls of more than \$2 billion. Forest related activities in New York State provide employment for approximately 70,000 people. Of that number, 55,000 jobs are associated with the wood-based forest economy, including manufacturing.

There are an estimated 750-million ash trees in New York State (excluding the Adirondack and Catskill Forest Preserves), with ash species making up approximately seven percent of all trees in the State's forests. The unchecked spread of the EAB infestation would have substantial adverse economic consequences to the nursery, forestry and wood-working (e.g. lumber yard, flooring and furniture and cabinet making) industries of the State, due to the destruction of the regulated articles upon which these industries depend.

The modifications of the Department's EAB regulations will target areas of infestation with greater precision and more effectively slow the spread of the infestation. Accordingly, the new regulations will not have a substantial adverse impact on jobs or employment opportunities and will better protect jobs and employment opportunities in the wood-based forest economy.

Department of Audit and Control

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

New York Achieving A Better Life Experience Savings Account Act (ABLE)

I.D. No. AAC-19-17-00001-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Addition of Part 156 to Title 2 NYCRR.

Statutory authority: Mental Hygiene Law, sections 84.05(a), (d) and 84.09; State Finance Law, section 8(14)

Subject: New York Achieving A Better Life Experience Savings Account Act (ABLE).

Purpose: To implement the New York Achieving A Better Life Experience Savings Account Act (ABLE) as a qualified program under IRC section 529-a.

Text of proposed rule: PART 156

THE NEW YORK ACHIEVING A BETTER LIFE EXPERIENCE SAVINGS ACCOUNT ACT

§ 156.1. Purpose; Authority.

The New York Achieving A Better Life Experience Savings Account Act (NY ABLE Program or the Program) was established for the purpose of enabling residents of New York to benefit from the tax incentive provided for qualified disability expenses under the Internal Revenue Code of 1986, as amended (the Code), and to encourage and assist individuals and families in saving private funds for the purpose of supporting individuals with disabilities, as defined by the Code, to maintain health, independence and quality of life; and to provide secure funding for disability-related expenses on behalf of designated beneficiaries with intellectual, developmental or other disabilities that will supplement, but not supplant, benefits provided through existing sources. The Comptroller of the State of New York (the Comptroller) is required to implement the NY ABLE Program as a "qualified ABLE program" under section 529A of the Code, and to make changes to the Program required for participants to obtain the tax benefits provided thereunder. These rules, developed in consultation with the Commissioners of the Office for People With Developmental Disabilities, the Office of Mental Health, the Department of Health, and the Office of Temporary and Disability Assistance, clarify and implement certain provisions of Article 84 of the Mental Hygiene Law (Article 84), as authorized and required thereby, to maintain the Program as a qualified ABLE program. In the event that changes in Federal law or rules necessitate program changes in order to maintain the Program as a qualified ABLE program, the Comptroller, in consultation with the above-referenced Commissioners, shall promptly:

(a) Take all appropriate administrative steps to conform Program requirements to federal law and rules; and

(b) Initiate the rulemaking procedure to promulgate necessary and appropriate amendments to this Part.

§ 156.2. Definitions.

(a) Unless otherwise defined, the terms used herein shall have the same meaning as used in the program disclosure booklet for the Program, as now in effect or hereafter amended (the program disclosure booklet), which describes the Program's operation and financial information and serves as the Program's offering document. The program disclosure booklet can be obtained from the program manager selected by the Comptroller pursuant to Article 84 of the Mental Hygiene Law.

(b) The following terms used herein shall have the meanings set forth below:

(1) "Account" or "NY ABLE account" means an individual savings account established in accordance with section 529A of the Code.

(2) "Account owner" means a person who opens an account pursuant to section 529A of the code. The account owner must be the designated beneficiary of the account, and an account owner may own only one account. If an eligible individual is unable to establish an account on his or her own behalf, the account may be established on behalf of the eligible individual by his or her agent under a Power of Attorney or by a parent or legal guardian.

(3) "Designated beneficiary" means, with respect to an account, any individual who is an "eligible individual" as defined under section 529A(e)(1) of the Code, who establishes an ABLE account, is the owner of such account, and whose qualified expenses are expected to be paid from the account. A designated beneficiary shall be a resident of New York State or a resident of a state that does not have a qualified ABLE Program recognized under section 529A of the Code and such state has entered into a contract with New York State to provide residents of the contracting state with access to New York State's ABLE Program.

(4) "Nonqualified withdrawal" means a distribution from an account which is not:

(i) a distribution made to a designated beneficiary for qualified expenses;

(ii) a distribution made to a designated beneficiary or to his or her estate on or after his or her death for qualified expenses incurred prior to or as a result of the death of the designated beneficiary; or

(iii) a distribution made to a designated beneficiary who is no longer an eligible individual.

(5) "Qualified expenses" mean any qualified disability expense defined in section 529A (e)(5) of the Code, or in any regulations promulgated thereunder. Examples of types of qualified disability expenses include, but are not limited to, the following: education, housing, transportation, employment training and support, assistive technology and personal support services, health, prevention and wellness, financial management and administrative services, legal fees, and expenses for oversight and monitoring, which are incurred during the lifetime of the designated beneficiary, and funeral and burial expenses of the designated beneficiary.

§ 156.3. Maximum contribution amount. The amount contributed to an account for a designated beneficiary in the Program shall not exceed the amount established by the Comptroller pursuant to Section 84.09 of the Mental Hygiene Law. The program manager shall monitor contributions

so as to prevent contributions to any account for a designated beneficiary when such contribution would cause the amount of money in such account to exceed this amount. Any amount tendered as a contribution, or portion of a contribution, that if accepted as a contribution would cause the amount in any account to exceed this amount, shall be rejected as a contribution and shall be returned to the contributor.

§ 156.4. Withdrawals; distributions. A designated beneficiary is eligible for a distribution from accumulated funds deferred to his or her NY ABLE account in full or partial disbursement options. Withdrawals from an account may be made on such notice as is determined to be feasible by the program manager.

§ 156.5 Transfer to State. Subject to any outstanding payments due for qualified disability expenses, upon the death of the designated beneficiary, all amounts remaining in the qualified ABLE account not in excess of the amount equal to the total medical assistance paid for the designated beneficiary after the establishment of the account, net of any premiums paid from the account or paid by or on behalf of the beneficiary to the state's Medicaid Buy-In or Medicare Savings programs, shall be distributed to the state upon the filing of a claim for payment by the state. For the purposes of this [subdivision] [subparagraph] [section], the state shall be a creditor of the account and not a beneficiary. Any amount remaining in the qualified ABLE account after any state recovery will become part of the designated beneficiary's estate.

§ 156.6. Program implementation and management. The Comptroller shall implement and manage the NY ABLE Program through the use of third party vendors to administer accounts, financial organizations to serve as managers and depositories for the Program and such consultants, outside counsel and other third party vendors that the Comptroller deems necessary and proper. Such vendors shall be procured in accordance with provisions of the State Finance Law governing state contracts, as modified by Chapter 149 of the Laws of 2016.

In procuring financial organizations to serve as program manager(s) and depository (ies), the Comptroller shall, at a minimum, consider and evaluate the following factors:

- (a) Financial stability and integrity of the financial organization;
- (b) The safety of the investment instrument being offered;
- (c) The ability of the investment instrument to track increasing costs of obtaining care for individuals with disabilities;
- (d) The ability of the financial organization to satisfy recordkeeping and reporting requirements;
- (e) The financial organization's plan for promoting the Program and the investment it is willing to make to promote the Program;
- (f) The fees, if any, proposed to be charged to persons for opening or maintaining accounts;
- (g) The minimum initial deposit and minimum contributions that the financial organization will require;
- (h) The ability of banking organizations to accept electronic withdrawals, including payroll deduction plans; and
- (i) Other benefits to the state or its residents included in the proposal, including fees payable to the state to cover expenses of operation of the Program.

Other factors, including programs and practices to prevent fraud and unauthorized transactions will be included in any procurement and resulting contract with a program manager.

The Comptroller shall select from among bidding financial organizations those that demonstrate the most advantageous combination, both to potential participants and to the state, of the above-enumerated factors to serve as managers and depositories of the Program.

§ 156.7. Fees. The Comptroller may collect fees from account owners and financial organizations serving as account depositories and managers of the Program to cover expenses of operating and administering the Program as are deemed necessary in his or her discretion.

§ 156.8. NY ABLE Account Advisory Council.

(a) Membership. The NY ABLE Account Advisory Council shall consist of the following persons or their designees:

- (1) Ex Officio members, as follows:
 - (i.) The Comptroller;
 - (ii.) The Commissioner of the Office of Mental Health;
 - (iii.) The Commissioner of the Office for People With Developmental Disabilities;
 - (iv.) The Commissioner of the Department of Health;
 - (v.) The Superintendent of the Department of Financial Services;
 - (vi.) The Commissioner of the Department of Taxation and Finance; and
 - (vii.) The Commissioner of the Office of Temporary and Disability Assistance;
- (2) Appointed members, as follows:
 - (i.) Three individuals appointed by the Governor;
 - (ii.) Two individuals appointed by the Temporary President of the Senate;

(iii.) Two individuals appointed by the Speaker of the Assembly.

(b) Qualifications; term. The executive and legislative appointees shall have the following qualifications: knowledge, skill and expertise in issues relating to individuals with disabilities; expertise in services to persons with disabilities; or knowledge in management and support of the fiscal affairs of such disabilities. Such appointed members of the Advisory Council shall be appointed for a term of three (3) years and shall be representative of all geographic areas of the State.

(c) Duties. The NY ABLE Account Advisory Council shall undertake the following duties:

(1) Study and review the work of the Comptroller in relation to the establishment of the Program;

(2) Advise the Comptroller and make recommendations for the improvement of the Program;

(3) Advise the Comptroller on legislative and regulatory activity which may be required for compliance; and

(4) Advise the Comptroller on the development of materials to be provided to account owners, prospective account owners and designated beneficiaries regarding the following:

(i) The terms and conditions for purchasing an account;

(ii) Any restrictions on the substitution of beneficiaries;

(iii) The person or entity entitled to terminate the account;

(iv) The period of time during which a beneficiary may receive benefits under the Program;

(v) The terms and conditions under which money may be wholly or partially withdrawn from the Program, including, but not limited to, any reasonable charges and fees that may be imposed for withdrawal;

(vi) The probable tax consequences associated with contributions to and distributions from accounts; and

(vii) Other rights and obligations under the Program, including, but not limited to, the potential impact on means-tested programs and the state's right to recover the total Medical Assistance paid for the designated beneficiary, or any part thereof, and any net premiums paid by the designated beneficiary to the state's Medicaid Buy-In Program and/or Medicare Savings Program upon the death of a designated beneficiary in reimbursement for Medical Assistance and/or Medicare covered by the state while the account was open.

(d) Convening of NY ABLE Account Advisory Council. The Advisory Council shall meet as provided for in Section 84.07 of the Mental Hygiene Law. Such meetings may be held by teleconference or via other electronic medium which allows for oral participation by all present.

§ 156.9. No State guaranty. A NY ABLE account is not insured by the State and neither the principal deposited, the payment of interest nor investment or other return is guaranteed by the State. The NY ABLE account savings agreement, the program disclosure booklet and every contract, application and similar document that may be used in connection with a contribution to an account shall clearly indicate that the account is not insured or guaranteed by the State.

Text of proposed rule and any required statements and analyses may be obtained from: Jamie Elacqua, Office of the State Comptroller, 110 State Street, Albany, NY 12236, (518) 473-4146, email: jelacqua@osc.state.ny.us

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

1. Statutory Authority: This rule is authorized under sections 84.05 and 84.09 of the Mental Hygiene Law and section 8(14) of the State Finance Law. Section 84.05 of the Mental Hygiene Law directs the Comptroller to establish a New York Achieving a Better Life Experience (NY ABLE) account plan for all eligible individuals and families for the purpose of supporting individuals with disabilities to maintain health, independence and quality of life. This section authorizes the Comptroller to promulgate any and all rules and regulations necessary for the implementation of Article 84 in consultation with Commissioners of the following agencies: Office for People With Developmental Disabilities, Office of Mental Health, Department of Health and Office of Temporary and Disability Assistance. Section 84.09 of the Mental Hygiene Law establishes requirements of the NY ABLE Program, including certain parameters of the accounts. This section generally mirrors the requirements set forth in section 529A of the Internal Revenue Code of 1986, as amended, (section 529A of the Code or the Code), but also anticipates additional requirements imposed at the state level to be set forth in regulations.

2. Legislative Objectives: The NY ABLE Program was enacted by the Legislature for the purpose of enabling residents of New York State to benefit from the tax incentive provided for qualified disability expenses under section 529A of the Code. The Comptroller is required to implement the NY ABLE Program as a "qualified ABLE program" under section 529A of the Code, and to make changes to the Program required for

participants to obtain the tax benefits provided thereunder. These rules, developed in consultation with the Commissioners of the Office for People With Developmental Disabilities, the Office of Mental Health, the Department of Health, and the Office of Temporary and Disability Assistance, clarify and implement certain provisions of Article 84 of the Mental Hygiene Law, as authorized and required thereby, to maintain the Program as a qualified ABLE program.

3. Needs and Benefits: The NY ABLE Program, as a qualified ABLE program, is intended to encourage and assist individuals and families in saving private funds for the purpose of supporting individuals with disabilities, as defined by the Code, to maintain health, independence and quality of life. The Program is also intended to provide secure funding for disability-related expenses on behalf of designated beneficiaries with intellectual, developmental or other disabilities that will supplement, but not supplant, benefits provided through existing sources (e.g., SSI, Medicaid, etc.). The proposed rules will allow the Comptroller to launch and implement a qualified ABLE program for New York State residents.

4. Costs: There will be administrative costs to the State Comptroller's Office for the implementation and ongoing operation of the NY ABLE Program as well as to Program participants. Pursuant to legislative authority, Chapter 149 of the Laws of 2016, the Comptroller has negotiated with the current program manager of NY's 529 College Savings Program to launch and oversee the day to day operations of the Program for the start-up period.

5. Local Government Mandates: Not applicable.

6. Paperwork: Paperwork will be required as a result of this rule, including regular reporting by the Program Manager to the Comptroller and to Program participants; however, participants may elect to receive such reporting in electronic form.

7. Duplication: None.

8. Alternatives: No significant alternatives were considered.

9. Federal Standards: This rule is informed by and conforms to section 529A of the Internal Revenue Code, which authorized states to enact "qualified ABLE programs" to enable residents to benefit from federal tax incentives.

10. Compliance Schedule: The projected date to launch the NY ABLE Program is during the second quarter of 2017.

Regulatory Flexibility Analysis

1. Effect of rule: The proposed rule will authorize the Comptroller to implement the NY Achieving a Better Life Experience Program (the Program), which is intended to encourage and assist individuals and families in saving private funds for the purpose of supporting individuals with disabilities to maintain health, independence and quality of life. The Program will be implemented and operated at the State level and is not expected to have any impact on small businesses or local governments.

2. Compliance requirements: The proposed rule is not expected to impose any compliance requirements on either small businesses or local governments.

3. Professional services: There are no professional services that a small business or local government will likely need to comply with the rule.

4. Compliance costs: There are no initial capital costs or annual costs for small businesses or local governments to comply with these rules.

5. Economic and technological feasibility: Since there are no compliance costs imposed upon small businesses or local governments there is no need to conduct an assessment of the economic feasibility of compliance with such rule.

6. Minimizing adverse impact: No adverse impact is anticipated for small businesses or local governments as a result of this rule. Accordingly, none of the approaches for minimizing adverse economic impact suggested in SAPA section 202-b(1) were considered.

7. Small business and local government participation: Although the rule is not expected to have any impact on small businesses or local governments, the text of the proposed rule will be published in the New York State Register.

Rural Area Flexibility Analysis

This action will not impose any adverse economic impact, reporting, record keeping or other compliance requirements on public or private entities in rural areas.

Department of Environmental Conservation

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Part 232 Regulates Entities That Operate Dry Cleaning Machines

I.D. No. ENV-19-17-00003-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Repeal of Part 232 and addition of new Part 232 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103 and 71-2105

Subject: Part 232 regulates entities that operate dry cleaning machines.

Purpose: Repeal and replace Part 232 to reduce alternative solvent and perc emissions.

Public hearing(s) will be held at: 6:00 p.m., June 27, 2017 at Department of Environmental Conservation, 625 Broadway, Public Assembly Rm., 129A/B, Albany, NY; 6:00 p.m., June 28, 2017 at Reinstein Woods Environmental Education Center, Reinstein Woods Nature Preserve, 93 Honorine Dr., Depew, NY; 6:00 p.m., June 29, 2017 at SUNY at Stony Brook, 50 Circle Rd., Rm. B02, Stony Brook, NY; 6:00 p.m., June 30, 2017 at Department of Transportation, Hunter's Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule (Full text is posted at the following State website: <http://www.dec.ny.gov/regulations/110041.html>): The New York State Department of Environmental Conservation (Department) is proposing to repeal and replace existing Part 232, entitled: "Perchloroethylene Dry Cleaning Facilities," of Title 6 of the Official Compilation of Codes, Rules and Regulation of the State of New York (6 NYCRR). There have been a number of major changes to the dry cleaning industry since the Department's dry cleaning regulations went into effect in 1997. Accordingly, many of the requirements in Part 232 have become outdated and are, therefore, in need of revision. Additionally, the U.S. Environmental Protection Agency (EPA) classifies perchloroethylene (perc) as a likely human carcinogen; airborne exposure continues to be a public health concern to residents and commercial occupants at co-located dry cleaning facilities; spills and groundwater contamination continue to be a potential remedial problem; and occupational exposure to employees of perc dry cleaning facilities is a well-documented health issue. This rulemaking will revise the existing regulation and add several new components to improve compliance and program delivery; reduce perc and alternative solvent emissions to the environment; and address advancements in technology and changes in the industry regarding the use of alternative dry cleaning solvents. This proposal applies to any entity that operates, or proposes to operate, approved alternative solvent or perc dry cleaning machines. The proposed revised regulation will be divided into four new subparts and will incorporate the following modifications:

1. Subpart 232-1, "General Provisions":

(a) This new subpart will consolidate and clarify applicable definitions, as well as spill containment, solid and hazardous waste management, emergency response, permitting and posting notice requirements for all dry cleaning equipment; and

(b) To ensure that the public is informed, we propose to add posting notice requirements for the use of alternative dry cleaning solvents. This new posting notice requirement is in addition the posting notice requirements that are already mandated for the use of perc.

2. Subpart 232-2, "Perchloroethylene Dry Cleaning Equipment":

(a) To be consistent with federal law, and for ease of compliance, the requirements for perc dry cleaning equipment will be modified for consistency with the "National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities" (40 CFR Part 63, Subpart M). These modifica-

tions will include incorporating the existing federal ban on the installation of perc dry cleaning machines in residential buildings after December 21, 2005 and the required removal of all perc dry cleaning machines from residential buildings by December 21, 2020. No other modifications will be required for consistency with federal law;

(b) For clarity and ease of enforcement, obsolete language that is associated with phased-out equipment will be removed;

(c) In recognition of the changes that have occurred in the dry cleaning industry, we propose to replace the Department's machine model certification program with a required manufacturer's Statement of Compliance for machine models not previously certified by the Department. Statements of Compliance are to be issued by the manufacturer, or manufacturer's representative, and will affirm compliance with the proposed regulation's perc machine performance standards. After adoption, only machine models previously certified by the Department or those which have been issued a manufacturer's Statement of Compliance may be installed in New York State;

(d) To achieve greater perc emission reductions, third generation machines, which are older perc machines without an integral secondary control system, will be phased-out by December 31, 2021;

(e) To improve the enforceability of the regulation's drum concentration emission standards, we propose to ban the installation of door fan control systems as a remedy for non-compliant fourth generation machines, which have both primary and secondary control systems. Door fans mask non-compliance with the emission standards and the Department believes that all machines may be restored to original operating condition, which is a better option for reducing perc emissions;

(f) To improve year-round compliance in locations where higher exposure to building residents or occupants may occur, monthly operator machine drum testing, for fourth generation perc dry cleaning machines, will be required at co-located residential and commercial facilities; and

(g) To soften the economic impact of the impending, December 21, 2020, federal ban on the operation of perc machines at co-located residential facilities, variances will be granted to allow for the relocation of used, compliant, fourth generation perc dry cleaning machines, that are less than 10 years old, to new stand-alone locations under the same ownership.

3. Subpart 232-3, "Alternative Solvent Dry Cleaning Equipment":

(a) Changes will be made to allow for consistency with the "Standards of Performance for Petroleum Dry Cleaners" (40 CFR Part 60, Subpart JJJ). Since the requirements for new petroleum dry cleaning machines, as proposed in Part 232, will exceed the Subpart JJJ requirements, the changes to Part 232 will only include a reference to Subpart JJJ for petroleum transfer machine dryers installed after December 14, 1982;

(b) To establish clear and efficient regulatory requirements, an approval process is proposed for alternative dry cleaning solvents;

(c) To reduce Volatile Organic Carbon (VOC) and/or species-specific contaminant emissions, we all alternative solvent transfer machines will be phased-out by December 31, 2031. Transfer machines are typically older, single function, machines (e.g., washers, extractors and dryers), often without any emission control system, that have associated vapor emissions during the transfer of articles from one machine to another;

(d) To ensure that installed alternative solvent dry cleaning machines are designed to meet the proposed regulation's emission standards, equipment standards and specifications will be established for the installation and operation of alternative solvent dry cleaning machines;

(e) To ensure that dry cleaning equipment is in good working order and to minimize potential fugitive emissions, operator leak inspection and self-monitoring requirements, operation and maintenance requirements, and record keeping requirements will be established for alternate solvent dry cleaning machines;

(f) To ensure that alternative solvent dry cleaning machines meet the revised regulation's design and performance standards, manufacturer equipment testing requirements will be established for alternative solvent dry cleaning machines; and

(g) To help offset the adverse economic impact on alternative solvent dry cleaners that relocate their businesses as a result of the proposed changes, used compliant alternative solvent dry cleaning machines that are less than 10 years old may be relocated from a permitted dry cleaning facility to any facility under the same ownership, if the facility meets all other applicable requirements and a new or modified air permit is first obtained.

4. Subpart 232-4, "Severability":

(a) In the event that any provision of this Part is held to be invalid, a severability subpart is added to ensure that the remainder of this Part shall continue in full force and effect.

Text of proposed rule and any required statements and analyses may be obtained from: Eric Wade, P.E., NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3255, (518) 402-8403, email: air.regs@dec.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: July 7, 2017.

Summary of Regulatory Impact Statement (Full text is posted at the following State website: <http://www.dec.ny.gov/regulations/110031.html>)

The New York State Department of Environmental Conservation (Department) is proposing to repeal and replace existing Part 232, entitled: "Perchloroethylene Dry Cleaning Facilities," of Title 6 of the Official Compilation of Codes, Rules and Regulation of the State of New York (6 NYCRR). Major changes to the dry cleaning industry have taken place since the regulation went into effect in 1997. Many of the requirements in Part 232 have become outdated and are, therefore, in need of revision. Additionally, the U.S. Environmental Protection Agency (EPA) classifies perchloroethylene (perc) as a likely human carcinogen; airborne exposure continues to be a public health concern to residents and commercial occupants at co-located dry cleaning facilities; spills and groundwater contamination continue to be a potential remedial problem; and occupational exposure to employees of perc dry cleaning facilities is a well-documented health issue. This rulemaking will revise the existing regulation and add several new components to improve compliance and program delivery; reduce perc and alternative solvent emissions to the environment; and address advancements in technology and changes in the industry regarding the use of alternative dry cleaning solvents. This proposal applies to any entity that operates, or proposes to operate, approved alternate solvent or perc dry cleaning machines.

New York State's statutory authority for this regulation is found in Environmental Conservation Law (ECL) Sections 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105. The legislative objectives underlying the above statutory authority are essentially directed toward promoting the safety, health and welfare of the public, and to protect New York's natural environment.

42 U.S.C. Section 7416 declares it to be the policy of the federal government that states can adopt or enforce any standard or limitation respecting emissions of air pollutants from stationary sources or any requirement respecting control or abatement of air pollution under a federally-approved implementation plan. When implementing requirements that involve the control or abatement of air pollution under a federally-approved implementation plan, a state may not adopt or enforce any emission standard or limitation that is less stringent than the standard or limitation under such plan.

U.S. Constitutional Amendment X declares that those powers not delegated to the U.S. by the Constitution, not prohibited by it to the states, are reserved to the states respectively. This Amendment protects the capacity of a state to regulate behavior and enforce order within the state for the betterment of health, safety, and the general welfare of the citizens and natural resources of the state.

Proposed amendments to Part 232 will make the state's requirements for perc and alternate solvent dry cleaning equipment consistent with applicable federal standards (40 CFR Part 63, Subpart M and 40 CFR Part 60, Subpart JJJ). In addition to adopting these federal requirements, the Department is proposing changes to further reduce perc emissions including: phasing-out the few remaining older third generation perc dry cleaning machines by December 31, 2021; improving compliance with the emission standards in the existing regulation; and establishing an approval process for alternative dry cleaning solvents and equipment standards and specifications for the design, operation and maintenance of alternative solvent dry cleaning equipment.

Alternative solvent dry cleaning machines are currently regulated under 6 NYCRR Part 212, "General Process Emission Sources." Moving regulation of these sources into revised Part 232 will establish clear and efficient regulatory requirements for alternative solvents. The proposed revised regulation will contain four subparts: Subpart 232-1 for "General Provisions", Subpart 232-2 for "Perchloroethylene Dry Cleaning Equipment", Subpart 232-3 for "Alternative Solvent Dry Cleaning Equipment" and Subpart 232-4 for Severability.

40 CFR Part 63, Subpart M mandates the elimination of perc dry cleaning machines in co-located residential buildings (approx. 315 statewide, 290 of which are in New York City) as of December 21, 2020. This provision will require either relocation of affected perc dry cleaning facilities or the purchase and installation of new alternative solvent machines or wet cleaning equipment at the existing locations. Relocated facilities may install only new fourth generation perc machines unless a variance is granted to allow the re-installation of used machines under extraordinary circumstances. Although the mandated December 21, 2020 elimination of perc machines in residential buildings is included in this proposed rule revision, it is an existing federal requirement and is only included in the state regulation for consistency. To help off-set the adverse economic impact on affected dry cleaners, the Department proposes to grant variances to allow the relocation of used compliant fourth generation perc dry cleaning machines, less than 10 years old, to any stand-alone location under the same ownership.

The Department proposes that only perc machine models that have been

previously certified by the Department, or which have been issued a Statement of Compliance by the machine manufacturer, may be installed in New York State after the effective date of the proposed regulation.

New Subpart 232-3 will propose equipment standards and performance specifications for the installation and operation of new and existing alternative solvent dry cleaning machines. Additionally, operator leak inspection, self-monitoring, recordkeeping and operation and maintenance requirements are being proposed to ensure machines are operated in compliance with the revised regulation. Older technology alternative solvent transfer equipment will be phased-out by December 31, 2031. Used compliant alternative solvent machines, less than 10 years old, will be allowed to relocate from a permitted dry cleaning facility and reinstalled at any facility under the same ownership if the facility meets all other applicable requirements and a new or modified air permit is first obtained. New machine standards will ensure greater reductions in volatile organic compounds and species-specific contaminant emissions.

The Department proposes to adopt an alternative solvent approval process. This will place the approval process in regulation and phase out the use of unapproved dry cleaning solvents 180 days after the effective date of the revised regulation.

Repeal and replacement of existing Part 232 will impose additional costs on individual business owners.

Business owners/operators at the 1,007 non-major, co-located facilities will have to purchase a \$400 air sampling pump and single use colorimetric sampling tubes, costing about \$7 apiece, in order to conduct the required testing.

New compliant fourth generation perc dry cleaning machines typically cost between \$25,000, for a 25 pound machine, and \$90,000, for a 90 pound machine. These machines are only available by special order and require a 50% down payment. Equipment removal costs for retired equipment range from \$1,000 to \$7,000.

New compliant alternate solvent dry cleaning machines, without a still, cost between \$32,000, for a 25 pound machine, and \$100,000, for a 90 pound machine. Costs for alternative dry cleaning machines are therefore approximately only 10 percent more than perc dry cleaning machines. Stills are recommended by the National Cleaners Association (NCA) for solvent recovery and quality cleaning purposes and range in price from \$12,000 to \$23,000.

In New York City (NYC), the costs are higher for the installation of alternative solvent dry cleaning machines. Engineering fees can range from \$8,000 to \$15,000. Permits are required from the NYC Department of Environmental Protection, as well as the City's building, electrical, plumbing, health and fire departments. Additionally, the 2014 NYC fire code requires the installation of an automatic sprinkler system in every facility. These costs range from \$1,200 to \$1,500 for each sprinkler head one of which may be required for every 100 square feet of floor space. The installation of a new water line can add another \$20,000 to the cost of installation. The higher compliance costs, outlined above, for NYC dry cleaners are conditioned upon the current NYC fire code and could therefore change.

The cost of physical installation for both perc and alternative solvent machines can range from \$2,500 to \$5,500 and concrete machine pads cost from \$2,500 to \$5,000.

A typical owner would need to spend about \$47,000 for professional wet cleaning equipment; this includes a washer, dryer and tensioning forms necessary to restore original clothing shape. Installation costs are normally between \$2,000 and \$2,500 and are, therefore, less expensive than installing perc or alternative solvent dry cleaning equipment.

This rulemaking imposes new paperwork, record keeping and reporting requirements on dry cleaning facility owners and dry cleaning equipment manufacturers or vendors.

The regulation will require alternative solvent and perc dry cleaning facility owners to post notices, supplied by the Department, informing the public of the regulated chemicals being used at the facility. Owners will also be required to keep records of solvent purchases, leak inspections, emergency response and corrective action, and required operation and maintenance activities. These records must be retained on-site for at least five years. Facilities will also have to retain, on-site, a copy of the design specifications and operating manual for each dry cleaning system and emission control device located at the dry cleaning facility.

The proposed revisions to Part 232 do not create any local government mandates beyond those already incurred under the existing requirements.

This proposal does not duplicate any other state regulations or statutes. Changes to this regulation are being proposed for consistency with 40 CFR Part 63, Subpart M and 40 CFR Part 60, Subpart JJJ. The Department has been delegated the authority to enforce both of these federal regulations.

Should the Department not revise the regulation, the operation of perc dry cleaning machines in residential buildings will still be prohibited starting December 21, 2020, as required by the federal NESHAP standard for

perc dry cleaning facilities. Alternative solvent transfer machines would not be phased out and the enforcement provisions of the regulation would not adequately address exceedances of the perc drum concentration emission standards. The use of door fans could continue and obsolete design and performance standards would remain in place for alternative solvent dry cleaning machines. Finally, the approval process for alternative solvents would not be codified in regulation and the Department's ability to effectively regulate alternative dry cleaning solvents would be greatly diminished.

Regulatory Flexibility Analysis

1. Effect of rule:

This proposal applies to any entity that operates, or proposes to operate, approved alternate solvent or perchloroethylene (perc) dry cleaning machines in New York State. Approximately 1,690 dry cleaning facilities will be affected by this rulemaking, many of whom are small businesses: 1,160 of these facilities operate at least one perc dry cleaning machine, whereas 530 of these facilities exclusively operate alternative solvent machines. No state and local governments have been identified as owners or operators of any dry cleaning facilities. This rulemaking is not a local government mandate pursuant to Executive Order 17.

2. Compliance requirements:

This rulemaking has new recordkeeping requirements for owners and operators of alternative solvent dry cleaning machines. Additional reporting and recordkeeping requirements are currently required for owners and operators of perc dry cleaning machines: these requirements were carried over from the existing regulation, 6 NYCRR Part 232 ("Perchloroethylene Dry Cleaning Facilities"). There are no specific requirements in the proposed regulation that apply to local governments. Reporting, record keeping and compliance requirements are effective statewide.

3. Professional services:

Professional services may be needed by dry cleaning businesses that propose to install new dry cleaning equipment for compliance with the permitting requirements of the New York State Department of Environmental Conservation (DEC). These same permitting requirements are contained in the existing DEC regulations. In New York City, a professional architect or engineer is required to prepare plans and obtain permits, for the installation of automatic sprinkler systems and dry cleaning equipment, from the New York City Department of Environmental Protection and the building, electrical, plumbing and fire departments.

4. Compliance costs:

Although not a result of this proposed rulemaking and due to the future federal ban, all 315 co-located residential perc dry cleaners (approx. 315 statewide, 290 of which are in New York City) will be required to purchase and install wet cleaning equipment or alternative solvent dry cleaning equipment, become drop shops or, alternatively, shut down prior to December 21, 2020. To continue operation as a dry cleaner, owners of perc dry cleaning facilities will then have to purchase and install new compliant alternative solvent machines or wet cleaning equipment. However, dry cleaning facilities can minimize these compliance costs by selling noncompliant perc machines out of state or properly disposing of them as scrap metal. New compliant alternative solvent dry cleaning machines, without a still, cost between \$32,000, for a 25 pound machine, and \$100,000, for a 90 pound machine. Stills are recommended by the National Cleaners Association (NCA) for solvent recovery and quality cleaning purposes and range in price from \$12,000 to \$23,000. Alternative solvent dry cleaners in New York City must currently install an automatic sprinkler system in every facility. The cost of these sprinkler systems range from \$1,200 to \$1,500 for each sprinkler head, one of which may be required for every 100 square feet of floor space. The installation of a new water line can add another \$20,000 to the cost of installation. Costs for an automatic sprinkler system can exceed \$100,000 for larger facilities. Outside of New York City, automatic sprinkler systems are not required by the state fire code for facilities that operate alternative solvent machines equipped with integrated fire extinguishing systems and/or safety features that minimize the fire/explosion risk.

The 17 business owners that are still operating the 22 third generation perc dry cleaning machines will have to discontinue operation of these machines prior to December 31, 2021. Those at co-located residential locations will have to discontinue operation by December 21, 2020 due to the existing future federal ban. Phased-out third generation perc dry cleaning machines may be sold out of state or properly disposed of as scrap metal. To continue in business, owners would have to purchase and install new compliant alternative solvent machines, new compliant perc dry cleaning machines or wet cleaning equipment.

The ten facility owners still operating alternative solvent transfer equipment must phase-out: all dip tanks, drying cabinets, vented waterproofing operations and uncontrolled dryers by December 31, 2021; vented solvent recovery dryers by December 31, 2026; and all washing, extracting and unvented solvent recovery dryers by December 31, 2031. Should these facilities wish to continue dry cleaning operations on-site, they must

purchase new equipment. All phase-out dates are after the “typical” 15 year useful life of the equipment.

Business owners/operators at the 1,007 non-major, co-located perc dry cleaning facilities, throughout New York State, will be required to test their fourth generation perc dry cleaning machines, once each month, for perc drum concentrations at the end of the dry cleaning cycle. Owners will have to purchase a \$400 air sampling pump and single use colorimetric sampling tubes, costing about \$7 apiece, in order to conduct the required testing. If a measured end of cycle perc drum concentration exceeds the allowable limit, the regulation requires the source owner to have the machine repaired and brought into compliance.

5. Economic and technological feasibility:

Due to the future federal ban on co-located residential perc dry cleaning facilities, we believe that a number of dry cleaning facilities will either shut-down or become drop shops, which collect articles to be sent out for dry cleaning at a larger shop in New Jersey, where corresponding regulations are less stringent. Much of the economic hardship that may be imposed upon New York City dry cleaners by the proposed regulation could be mitigated by changes to the New York City fire code. Outside New York City, compliance with the rulemaking is economically feasible.

Everything proposed in the rulemaking is technologically feasible.

6. Minimizing adverse impact:

The existing federal ban on the future operation of perc dry cleaning machines at co-located residential locations will have a significant impact on both the dry cleaning industry and public health. To help off-set the adverse economic impact on dry cleaners, the Department proposes to grant variances to allow the relocation of used compliant fourth generation perc dry cleaning machines, less than 10 years old, to any stand-alone location under the same ownership.

7. Small business and local government participation:

The Department plans on holding public hearings at various locations throughout New York State after the amendments are proposed. Small businesses and local governments will have the opportunity to attend these public hearings. Additionally, there will be a public comment period in which interested parties can submit written comments.

8. Cure Period.

No cure period is contained in the rulemaking as all new compliance dates occur after the proposed regulation is adopted.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The New York State Department of Environmental Conservation (Department) is proposing to repeal and replace existing 6 NYCRR Part 232, entitled “Perchloroethylene Dry Cleaning Facilities” to: update outdated provisions; add new components to improve compliance and program delivery; and address advancements in technology and the industry regarding the use of alternative dry cleaning equipment.

There are no requirements in the proposed regulation which apply only to rural areas. The proposed changes apply to all dry cleaning facilities using perc or an alternative solvent throughout New York State. With less than 10% of all dry cleaners located outside the New York City, Long Island and lower Hudson Valley area, this proposal will have a small impact on rural areas.

2. Reporting, recordkeeping and other compliance requirements; and professional services:

There are no specific requirements in the proposed regulations which apply exclusively to rural areas. This rulemaking imposes new paperwork, record keeping and reporting requirements on dry cleaning facility owners and dry cleaning equipment manufacturers or vendors regardless of whether they are located in a rural area or not. The regulation requires owners of co-located perc dry cleaning facilities, or their representatives, to test perc dry cleaning machines, monthly, for end of cycle perc drum concentrations and record those readings on a department provided form. The regulation also requires manufacturers of new uncertified models of perc dry cleaning machines that are proposed to be installed in New York State to issue a notarized Statement of Compliance affirming that the model was tested and found to comply with all design and performance standards in the revised regulation.

The regulation will require alternative solvent dry cleaning facility owners to post notices, supplied by the Department, informing the public of the regulated alternative solvent chemicals being used at the facility. Owners will also be required to keep records of solvent purchases, leak inspections, emergency response and corrective action, and required operation and maintenance activities. These records must be retained on-site for at least five years. Facilities will also have to retain, on-site, a copy of the design specifications and operating manual for each dry cleaning system and emission control device located at the dry cleaning facility.

3. Costs:

Repeal and replacement of existing Part 232 will impose additional costs on individual business owners. No additional cost is attributed to manufacturers for required machine testing because they already test their

machines for compliance with equipment standards and required control efficiencies.

Business owners/operators at the 1,007 non-major, co-located perc dry cleaning facilities, throughout New York State, will be required to test their fourth generation perc dry cleaning machines, once each month, for perc drum concentrations at the end of the dry cleaning cycle. Owners will have to purchase a \$400 air sampling pump and single use colorimetric sampling tubes, costing about \$7 apiece, in order to conduct the required testing. If a measured end of cycle perc drum concentration exceeds the allowable limit, the regulation requires the source owner to have the machine repaired and brought into compliance.

The 17 business owners that are still operating the 22 third generation perc dry cleaning machines will have to discontinue operation of these machines prior to December 31, 2021. Those at co-located residential locations will have to discontinue operation by December 21, 2020 due to the existing future federal ban on the use of perc dry cleaning machines at such facilities. Phased-out third generation perc dry cleaning machines may be sold out of state or properly disposed of as scrap metal. To continue in business, owners would have to purchase and install new compliant alternative solvent machines, new compliant perc dry cleaning machines or wet cleaning equipment.

Although not a result of this proposed rulemaking and due to the future federal ban discussed above, all 315 co-located residential perc dry cleaners (approx. 315 statewide, 290 of which are in New York City) will be required to purchase and install wet cleaning equipment or alternative solvent dry cleaning equipment, become drop shops or, alternatively, shut down prior to December 21, 2020.

New compliant fourth generation perc dry cleaning machines typically cost between \$25,000, for a 25 pound machine, and \$90,000, for a 90 pound machine. These machines are only available by special order and require a 50% down payment. Equipment removal costs for retired equipment range from \$1,000 to \$7,000.

The ten facility owners still operating alternative solvent transfer equipment must phase-out: all dip tanks, drying cabinets, vented waterproofing operations and uncontrolled dryers by December 31, 2021; vented solvent recovery dryers by December 31, 2026; and all washing, extracting and unvented solvent recovery dryers by December 31, 2031. Should these facilities wish to continue dry cleaning operations on-site, they must purchase new equipment. All phase-out dates are after the “typical” 15 year useful life of the equipment.

New compliant alternate solvent dry cleaning machines, without a still, cost between \$32,000, for a 25 pound machine, and \$100,000, for a 90 pound machine. New compliant alternative solvent dry cleaning machines therefore only cost approximately 10 percent more than new compliance fourth generation perc dry cleaning machines. Stills are recommended by the National Cleaners Association (NCA) for solvent recovery and quality cleaning purposes and range in price from \$12,000 to \$23,000.

Outside of New York City, automatic sprinkler systems are not required by the state fire code for alternative solvent machines equipped with integrated fire extinguishing systems and/or safety features that minimize the fire/explosion risk. Consequently, the higher compliance costs, outlined above, for NYC dry cleaners are conditioned upon the current NYC fire code and could therefore change before the December 21, 2020 federal ban goes into effect.

The cost of physical installation for both perc and alternative solvent machines can range from \$2,500 to \$5,500 and concrete machine pads cost from \$2,500 to \$3,000. Outside of New York City, engineering and permitting fees range from \$3,500 to \$5,000.

A typical owner would need to spend about \$47,000 for professional wet cleaning equipment; this includes a washer, dryer and tensioning forms necessary to restore original clothing shape. Installation costs are normally between \$2,000 and \$2,500 and are, therefore, less expensive than installing perc or alternative solvent dry cleaning equipment. Wet cleaning operational costs are also generally lower than those for perc or alternative cleaning methods. Automatic sprinklers are not required. Therefore, switching to wet cleaning is a viable option for facilities that are looking to minimize their compliance costs.

4. Minimizing adverse impact:

The proposed changes will not adversely impact rural areas.

5. Rural area participation:

The Department plans on holding public hearings at various locations throughout New York State once the regulation is proposed. There will be a public comment period in which interested parties can submit written comments.

Job Impact Statement

1. Nature of impact:

The New York State Department of Environmental Conservation (Department) is proposing to repeal and replace existing 6 NYCRR Part 232, entitled “Perchloroethylene Dry Cleaning Facilities” to: update outdated provisions; add new components to improve compliance and

program delivery; and address advancements in technology and the industry regarding the use of alternative dry cleaning equipment.

The proposed amendments to the regulations may impact jobs and employment opportunities in New York State.

2. Categories and numbers affected:

There are 17 business owners that are still operating 22 third generation perc dry cleaning machines that will have to discontinue operation of these machines prior to December 31, 2021. Phased-out third generation perc dry cleaning machines may be sold out of state or properly disposed of as scrap metal. To continue in business, owners would have to purchase and install new compliant alternative solvent machines, new compliant perc dry cleaning machines or wet cleaning equipment. However, as noted above, affected facilities may minimize these compliance costs by selling noncompliant perc machines out of state or properly disposing of them as scrap metal.

There are ten facility owners still operating alternative solvent transfer equipment that must phase-out: all dip tanks, drying cabinets, vented waterproofing operations and uncontrolled dryers by December 31, 2021; vented solvent recovery dryers by December 31, 2026; and all washing, extracting and unvented solvent recovery dryers by December 31, 2031. Should these facilities wish to continue dry cleaning operations on-site, they must purchase new equipment. All phase-out dates are after the "typical" 15 year useful life of the equipment.

Although not a result of this proposed rulemaking and due to the future federal ban, there are 315 co-located residential perc dry cleaners (approx. 315 statewide, 290 of which are in New York City) that will be required to purchase and install wet cleaning equipment or alternative solvent dry cleaning equipment, become drop shops or, alternatively, shut down prior to December 21, 2020.

3. Regions of adverse impact:

Roughly 57% of the existing perc dry cleaning facilities are in New York City. This is followed by approximately 23% on Long Island and roughly 15% in the mid to lower Hudson Valley, leaving about 5% spread throughout the rest of the state.

4. Minimizing adverse impact:

To help off-set the adverse economic impact on affected dry cleaners, the Department proposes to grant variances to allow the relocation of used compliant fourth generation perc dry cleaning machines, less than 10 years old, to any stand-alone location under the same ownership.

Used compliant alternative solvent machines, less than 10 years old, will be allowed to relocate from a permitted dry cleaning facility and reinstalled at any facility under the same ownership if the facility meets all other applicable requirements and a new or modified air permit is first obtained.

5. Self-employment opportunities:

None that the Department is aware of at this time.

Department of Financial Services

EMERGENCY RULE MAKING

Title Insurance Agents, Affiliated Relationships, and Title Insurance Business

I.D. No. DFS-18-17-00022-E

Filing No. 286

Filing Date: 2017-04-24

Effective Date: 2017-04-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Parts 20 (Regulations 9, 18 and 29), 29 (Regulation 87), 30 (Regulation 194) and 34 (Regulation 125); and addition of Part 35 (Regulation 206) to Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202 and 302; Insurance Law, sections 107(a)(54), 301, 2101(k), 2109, 2112, 2113, 2119, 2120, 2122, 2128, 2129, 2132, 2139, 2314 and 6409

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: Long-sought and critically needed legislation to license title insurance agents was enacted as part of Chapter 57 of the New York Laws of 2014, which was signed into law by the governor on March 31, 2014. Chapter 57 took effect on September 27, 2014.

A number of existing regulations that apply to insurance producers generally are amended to make them applicable to title insurance agents. Specifically, Part 20 addresses temporary licenses (Insurance Regulation 9), addresses appointment of insurance agents (Insurance Regulation 18), and regulates premium accounts and fiduciary responsibilities of insurance agents and insurance brokers (Insurance Regulation 29), and are amended to include references to title insurance agents. Part 29 (Insurance Regulation 87) addresses special prohibitions regarding sharing compensation with other licensees with respect to certain governmental entities and is amended to address a limited exception for title insurance business insuring State of New York Mortgage Agency and certain other circumstances. Part 30 (Insurance Regulation 194) addresses insurance producer compensation transparency and is amended to reflect specific requirements in new Insurance Law section 2113 for title insurance agents. Part 34 (Insurance Regulation 125) governs insurance agents and brokers that maintain multiple offices and is amended to clarify the applicability of the regulation to title insurance agents. In addition, a new Part 35 (Insurance Regulation 206) is added that address unique circumstances regarding title insurance agents.

It is critical for the protection of the public that appropriate rules and regulations are in place on and after the effective date of Chapter 57 to apply to newly-licensed title insurance agents and the title insurance business generated. Although the Department has diligently developed regulations to implement Chapter 57, due to the short time frame, it is necessary to promulgate the rules on an emergency basis for the furtherance of the general welfare.

Subject: Title insurance agents, affiliated relationships, and title insurance business.

Purpose: To implement requirements of chapter 57 of Laws of 2014 re: title insurance agents and placement of title insurance business.

Substance of emergency rule (Full text is posted at the following State website: <http://www.dfs.ny.gov>): The following sections are amended:

Section 20.1, which specifies forms for temporary licenses, is amended to make technical changes and to add references to title insurance agents.

Section 20.2, which specifies forms of notice for termination of agents, is amended to make technical changes and to add references to title insurance agents.

Section 20.3, which governs fiduciary responsibility of insurance agents and brokers, including maintenance of premium accounts, is amended to make technical changes and to add references to title insurance agents.

Section 20.4, which governs insurance agent and broker recordkeeping requirements for fiduciary accounts, is amended to make technical changes and to add references to title insurance agents.

Section 29.5, which implements Insurance Law section 2128, governing placement of insurance business by licensees with governmental entities, is amended to make technical changes and to conform to amendments to section 2128, with respect to title insurance agents.

Section 29.6 is amended to remove language regarding return of disclosure statements.

Section 30.3, which governs notices by insurance producers regarding the amount and extent of their compensation, is amended by adding a new subdivision that modifies the requirements of the section with respect to title insurance agents, in order to conform to new Insurance Law section 2113(b).

Section 34.2, which governs satellite offices for insurance producers, is amended by adding a new subdivision that exempts from certain provisions of that section a title insurance agent that is a licensed attorney transacting title insurance business from the agent's law office.

A new Part 35 is added governing the activities of title insurance agents and the placement of title insurance business. The new sections are:

Section 35.1 contains definitions for new Part 35.

Section 35.2 specifies forms for title insurance agent licensing applications.

Section 35.3 specifies change of contact information required to be filed with the Department.

Section 35.4 addresses affiliated business relationships.

Section 35.5 addresses referrals by affiliated persons and the required disclosures in such circumstances.

Section 35.6 addresses minimum disclosure requirements for title insurance corporations and title insurance agents with respect to fees charged by such corporation or agent, including discretionary or ancillary fees.

Section 35.7 provides certain other minimum disclosure requirements.

Section 35.8 governs the use of title closers by title insurance agents and title insurance corporations.

Section 35.9 establishes record retention requirements for title insurance agents.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a

notice of proposed rule making, I.D. No. DFS-18-17-00022-P, Issue of May 3, 2017. The emergency rule will expire June 22, 2017.

Text of rule and any required statements and analyses may be obtained from: Paul Zuckerman, Department of Financial Services, One State Street, New York, NY 10004, (212) 480-5286, email: paul.zuckerman@dfs.ny.gov

Consolidated Regulatory Impact Statement

1. Statutory authority: The Superintendent's authority to promulgate these amendments and the new Part derives from sections 202 and 302 of the Financial Services Law ("FSL") and sections 107(a)(54), 301, 2101(k), 2109, 2112, 2113, 2119, 2120, 2122, 2128, 2129, 2132, 2139, 2314, and 6409 of the Insurance Law.

FSL section 202 establishes the office of the Superintendent and designates the Superintendent as the head of the Department of Financial Services ("Department").

FSL section 302 and Insurance Law section 301 authorize the Superintendent to effectuate any power accorded to the Superintendent by the Insurance Law, the Banking Law, the Financial Services Law, or any other law of this state and to prescribe regulations interpreting the Insurance Law, among other things.

Insurance Law section 107(a)(54) defines title insurance agent.

Insurance Law section 2101(k) defines insurance producer to include title insurance agent.

Insurance Law section 2109 addresses temporary licenses for title insurance agents and other insurance producers.

Insurance Law section 2112 addresses appointments by insurers of insurance agents and title insurance agents.

Insurance Law section 2113 requires that title insurance agents and persons affiliated with such title insurance agents provide certain disclosures to applicants for insurance when referring such applicants to persons with which they are affiliated. Section 2113 also requires the Superintendent to promulgate regulations to enforce the affiliated person disclosure requirements and to consider any relevant disclosures required by the federal real estate settlement procedures act of 1974 ("RESPA"), as amended.

Insurance Law section 2119 permits title insurance agents to charge fees for certain ancillary services not encompassed within the rate of premium provided it pursuant to a written memorandum.

Insurance Law section 2120 addresses the fiduciary responsibility of title insurance agents and other producers.

Insurance Law section 2122 addresses advertising by title insurance agents and other insurance producers.

Insurance Law section 2128 prohibits fee sharing with respect to business placed with governmental entities.

Insurance Law section 2132 governs continuing education for title insurance agents and other insurance producers.

Insurance Law section 2139 is the licensing section for title insurance agents.

Insurance Law section 2314 prohibits title insurance corporations and title insurance agents from deviating from filed rates.

Insurance Law section 2324 prohibits rebating, improper inducements and other discriminatory behavior with respect to most kinds of insurance, including title insurance.

Insurance Law section 6409 contains specific prohibitions against rebating, improper inducements and other discriminatory behavior with respect to title insurance.

2. Legislative objectives: Long-sought and critically needed legislation to license title insurance agents was enacted as part of Chapter 57 of the New York Laws of 2014, which was signed into law by the governor on March 31, 2014 and took effect on September 27, 2014. By way of background, title insurance agents in New York: (a) handle millions of dollars of borrowers' and sellers' funds, (b) record documents, and (c) pay off mortgages. Yet for years, title insurance agents have conducted business in New York without licensing or other regulatory oversight, standards or guidelines. Because, as a matter of practice in New York, the title insurance agents control the bulk of the title insurance business, including bringing in customers, conducting the searches and other title work, the title insurance corporations often have little choice but to deal with title insurance agents who they may otherwise consider questionable or unscrupulous. Without licensing or regulatory oversight, an unscrupulous title insurance agent who was fired by one title insurer could simply take the business to another title insurer, who is usually more than willing to appoint that title insurance agent.

This lack of State regulation over title insurance agents made for an alarming weakness in New York law, and specifically New York law addressing title insurance rebating and inducement. For example, lack of regulatory oversight and licensing created a gaping loophole, which led to serious breaches of fiduciary duties and exploitation by unscrupulous actors to commit fraud in the mortgage origination and financing process.

Over the years, this gap in New York law and lack of regulatory oversight allowed these actors to freely engage in theft, abuse, charging of excessive fees, and illegal rebates and inducements to the detriment of consumers, with little fear of prosecution. These abuses cost consumers of the State millions of dollars and at least one New York title insurer became insolvent because of the activities of its title insurance agents.

3. Needs and benefits: Now that New York law requires title insurance agents to be licensed, a number of existing regulations governing insurance producers need to be amended in order include title insurance agents or to address unique circumstances involving them, including affiliated persons' arrangements and required consumer disclosures. Specifically, Insurance Regulation 9 addresses temporary licenses; Insurance Regulation 18 addresses appointment of insurance agents; and Insurance Regulation 29 regulates premium accounts and fiduciary responsibilities of insurance agents and insurance brokers; and each is amended to include references to title insurance agents. Insurance Regulation 87 addresses special prohibitions regarding sharing compensation with other licensees with respect to certain governmental entities and is amended to address a limited exception for title insurance business insuring State of New York Mortgage Agency and certain other circumstances. Insurance Regulation 194 addresses insurance producer compensation transparency and is amended to reflect specific requirements in new Insurance Law section 2113 for title insurance agents. Insurance Regulation 125 governs insurance agents and brokers that maintain multiple offices and is amended to clarify the applicability of the regulation to title insurance agents. Regulation 125 also is amended to address unique circumstances involving title insurance agents who are also licensed attorneys.

New Insurance Regulation 206 addresses a number of miscellaneous issues involving title insurance agents. Some of these changes simply add provisions that are similar to those that apply to other insurance producers; for example, it prescribes the form of applications and requires licensees to notify the Department of any change of business or residence address. Other provisions of Regulation 206 set forth the new disclosure requirements; require title insurance agents to comply with a rate service organization's annual statistical data call; and address the obligation of title insurance agents and title insurance corporations with respect to title closers. Of particular significance are provisions of the regulations that codify Department opinions regarding affiliated business relations with respect to the applicability of Insurance Law section 6409, which prohibits rebates, inducements and certain other discriminatory behaviors.

4. Costs: Regulated parties impacted by these rules are title insurance agents, which heretofore were not licensed by the Department, and title insurance corporations. They may need to provide new disclosures in accordance with the regulation if they are not already making such disclosures but they already have an obligation to make changes to notices pursuant to the legislation. There are also new reporting requirements to the Department but these are the same that apply with respect to other licensees. In any event, although the cost impact will likely vary among the agents and insurers affected by this regulation, the costs of these new disclosures and reporting requirements should not be significant.

Although the Department already was handling complaints and investigating matters regarding title insurance, because licensing title insurance agents is a new responsibility for the Department, anticipated costs to the Department are at this time uncertain. Existing personnel and line titles will handle any new licensing applications or enforcements issues initially.

These rules impose no compliance costs on any state or local governments.

5. Local government mandates: The new rules and amendments impose no new programs, services, duties or responsibilities on any county, city, town, village, school district, fire district or other special district.

6. Paperwork: The amendments and new rules now apply certain requirements that are applicable to other insurance producers to title insurance agents as well. For example, title insurance agents are made subject to the same reporting requirements as other insurance producers when changing addresses, maintaining records, and submitting applications, and title insurers are required to file certificates of appointment of their title insurance agents with the Department. In addition, to reflect the specific notice requirements of Insurance Law section 2113, the disclosure requirements to insureds under Insurance Regulation 194 are modified for title insurance agents to reflect the statutory requirements. The new law also contains certain new disclosure requirements and the new rules implement those changes, and require certain other disclosures to applicants for insurance, such as a notice advising insureds or applicants for insurance about the different kinds of title policies available to them.

7. Duplication: The amendments do not duplicate any existing laws or regulations.

8. Alternatives: Prior to proposing the consolidated rules in July, 2014, the Department circulated drafts of the proposed rules to a number of interested parties and, as a result, the Department made a number of

changes to the initial proposed new Regulation 206, particularly with respect to affiliated business relationships, and title insurance corporation or title insurance agent responsibility for title insurance closers. The Department initially submitted the regulation as a proposed rulemaking that was published in the State Register on July 23, 2014. Because of the critical need to have regulations in effect on and after the September 27, 2014 effective date of Chapter 57, the Department promulgated emergency regulations effective on that date. In response to comments received during the public comment period, the Department made additional changes that were incorporated into the emergency rules, in order to clarify or eliminate unnecessary requirements. Because the proposed regulation has expired, the Department anticipates submitting a new, revised proposal in 2017 that will incorporate additional public comments that the Department has received regarding the initial proposal. To prevent disruption and confusion in the industry until the rules are finalized, however, the emergency regulation is continued unchanged from the versions in effect since September 27, 2014.

9. Federal standards: RESPA, and regulations thereunder, contain certain requirements and disclosures that apply to residential real estate settlement transactions. These requirements are minimum requirements and do not preempt state laws that provide greater consumer protection. The amendments and new rules are not inconsistent with RESPA and, consistent with New York law, provide greater consumer protection to the public.

10. Compliance schedule: Chapter 57 of the New York Laws of 2014 took effect on September 27, 2014. In order to facilitate the orderly implementation of the new law, the Superintendent was authorized to promulgate regulations in advance of the effective date, but to make such regulations effective on that date. The emergency rules have continued unchanged since September 27, 2014.

Consolidated Regulatory Flexibility Analysis

1. Effect of the rule: These rules affect title insurance corporations authorized to do business in New York State, title insurance agents and persons affiliated with such corporations and agents.

No title insurance corporation subject to the amendment falls within the definition of "small business" as defined in State Administrative Procedure Act section 102(8), because no such insurance corporation is both independently owned and has less than one hundred employees.

It is estimated that there are about 1,800 title insurance agents doing business in New York currently. Since they are not currently licensed by the Department of Financial Services ("Department"), it is not known how many of them are small businesses, but it is believed that a significant number of them may be small businesses.

Persons affiliated with title insurance agents or title insurance corporations would not, by definition, be independently owned and would thus not be small businesses.

The rule does not impose any impact, including any adverse impact, or reporting, recordkeeping, or other compliance requirements on any local governments.

2. Compliance requirements: The proposed rules conform and implement requirements regarding title insurance agents and placement of title insurance business with Chapter 57 of the Laws of 2014, which made title insurance agents subject to licensing in New York for the first time. A number of the rules will make title insurance agents subject to the same requirements that apply to other insurance producers. There are also disclosure requirements unique to title insurance.

3. Professional services: This amendment does not require any person to use any professional services.

4. Compliance costs: Title insurance agents will need to provide new disclosures in accordance with the regulation if they are not already making such disclosures but they already have an obligation to make changes to notices pursuant to the legislation. There are also new reporting requirements to the Department but these are the same that apply with respect to other licensees. In any event, the costs of these new disclosures and reporting requirements should not be significant. The proposed rules now subject title insurance agents to requirements regarding the maintenance of fiduciary accounts that already apply to other insurance producers. The cost impact on title insurance agents will likely vary from agent to agent but should not be significant.

5. Economic and technological feasibility: Small businesses that may be affected by this amendment should not incur any economic or technological impact as a result of this amendment.

6. Minimizing adverse impact: This rule should have no adverse impact on small businesses.

7. Small business participation: The Department initially submitted the regulation as a proposed rulemaking on July 23, 2014. Prior to submission, interested parties, including an organization representing title insurance agents, were given an opportunity to comment on a draft version of these rules, in addition to their opportunity to review and comment on the proposed rulemaking when it was published. The proposed regulation has

now expired and the Department anticipates submitting a new, revised proposal in 2017 that will incorporate additional public comments that the Department has received regarding the initial proposal. However, to prevent disruption and confusion in the industry until the rules are finalized, the emergency regulation is continued unchanged from the versions in effect since September 27, 2014.

Consolidated Rural Area Flexibility Analysis

The Department of Financial Services ("Department") finds that this rule does not impose any additional burden on persons located in rural areas, and will not have an adverse impact on rural areas. This rule applies uniformly to regulated parties that do business in both rural and non-rural areas of New York State.

Rural area participation: The Department initially submitted the regulation as a proposed rulemaking on July 23, 2014. Prior to submission, interested parties, including those located in rural areas, were given an opportunity to review and comment on a draft version of these rules, in addition to their opportunity to review and comment on the proposed rulemaking when it was published. The proposed regulation has now expired and the Department anticipates submitting a new, revised proposal in 2017 that will incorporate additional public comments that the Department has received regarding the initial proposal. However, to prevent disruption and confusion in the industry until the rules are finalized, the emergency regulation is continued unchanged from the versions in effect since September 27, 2014.

Consolidated Job Impact Statement

The Department of Financial Services finds that these rules should have no negative impact on jobs and employment opportunities. The rules conform to and implement the requirements of, with respect to title insurance agents and the placement of title insurance business, Chapter 57 of the Laws of 2014, which make title insurance agents subject to licensing in New York for the first time and, by establishing a regulated marketplace, may lead to increased employment opportunity.

EMERGENCY RULE MAKING

Registration and Financial Responsibility Requirements for Mortgage Loan Servicers

I.D. No. DFS-19-17-00002-E

Filing No. 285

Filing Date: 2017-04-24

Effective Date: 2017-04-25

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of Part 418 and Supervisory Procedures MB109 and MB110 to Title 3 NYCRR.

Statutory authority: Banking Law, art. 12-D

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: Chapter 472 of the Laws of 2008, which requires mortgage loan servicers to be registered with the Superintendent of Financial Services (formerly the Superintendent of Banks), went into effect on July 1, 2009. These regulations implement the registration requirement and inform servicers of the details of the registration process so as to permit applicants to prepare, submit and review applications for registrations on a timely basis.

Excluding persons servicing loans made under the Power New York Act from the mortgage loan servicer rules is necessary to facilitate the immediate implementation of such loan program so that the anticipated energy efficiency benefits can be realized without delay.

Subject: Registration and Financial Responsibility Requirements for Mortgage Loan Servicers.

Purpose: The rule implements provisions of the Subprime Lending Reform Law (ch. 472, Laws of 2008) amending article 12-D of the Banking Law to require that persons or entities which service mortgage loans on residential real property on or after July 1, 2009 be registered with the Superintendent of Financial Services (formerly the Superintendent of Banks). Part 418 sets forth application, exemption and approval procedures for registration as a mortgage loan servicer (MLS) and financial responsibility requirements for applicants, registrants and exempted persons. Supervisory Procedure MB 109 sets forth the details of the application procedure. Supervisory Procedure MB 110 sets forth the procedure for approval of a change of control of a registered MLS.

Substance of emergency rule (Full text is posted at the following State website: <http://www.dfs.ny.gov/legal/regulations/emergency/banking/emergbanking.htm>): Section 109.1 defines a number of terms that are used in the Supervisory Procedure.

Section 109.2 contains a general description of the process for registering as a mortgage loan servicer ("servicer") and contains information about where the necessary forms and instructions may be found.

Section 109.3 lists the documents to be included in an application for servicer registration, including the required fees. It also sets forth the execution and attestation requirements for applications. The section makes clear that the Superintendent of Financial Services (formerly the Superintendent of Banks) can require additional information or an in person conference, and that the applicant can submit additional pertinent information.

Section 109.4 describes the information and documents required to be submitted as part of an application for registration as a servicer. This includes various items of information about the applicant and its regulatory history, if any, information demonstrating compliance with the applicable financial responsibility and experience requirements, information about the organizational structure of the applicant, and other documents, such as fingerprint cards and background reports.

Summary of new Supervisory Procedure MB 110

Section 110.1 defines a number of terms that are used in the Supervisory Procedure.

Section 110.2 contains a general description of the process for applying for approval of a change of control of a mortgage loan servicer ("servicer") and contains information about where the necessary forms and instructions may be found.

Section 110.3 lists the documents to be included in an application for approval of a change of control of a servicer, including the required fees. It sets forth the time within which the Superintendent of Financial Services (formerly the Superintendent of Banks) must approve or disapprove an application. It also sets forth the execution and attestation requirements for applications. The section makes clear that the Superintendent can require additional information or an in person conference, and that the applicant can submit additional pertinent information. Last, the section lists the types of changes in a servicer's operations resulting from a change of control which should be notified to the Department of Financial Services (formerly the Banking Department).

Section 110.4 describes the information and documents required to be submitted as part of an application for approval of a change of control of servicer. This includes various items of information about the applicant and its regulatory history, if any, information demonstrating continuing compliance with the applicable financial responsibility and experience requirements, information about the organizational structure of the applicant, a description of the acquisition and other documents regarding the applicant, such as fingerprint cards and background reports.

Summary of new Part 418

Section 418.1 summarizes the scope and application of Part 418. It notes that Sections 418.2 to 418.11 implement the requirement in Article 12-D of the Banking Law that certain mortgage loan servicers ("servicers") be registered with the Superintendent of Financial Services (formerly the Superintendent of Banks), while Sections 418.12 and 418.13 set forth financial responsibility requirements that are applicable to both registered and exempt servicers. [Section 418.14 sets forth the transitional rules.]

Section 418.2 implements the provisions in Section 590(2)(b-1) of the Banking Law requiring registration of servicers and exempting mortgage bankers, mortgage brokers, and most banking and insurance companies, as well as their employees. Servicing loans made pursuant to the Power New York Act of 2011 is excluded. The Superintendent is authorized to approve other exemptions.

Section 418.3 contains a number of definitions of terms that are used in Part 418, including "Mortgage Loan", "Mortgage Loan Servicer", "Third Party Servicer" and "Exempted Person".

Section 418.4 describes the requirements for applying for registration as a servicer.

Section 418.5 describes the requirements for a servicer applying to open a branch office.

Section 418.6 covers the fees for application for registration as a servicer, including processing fees for applications and fingerprint processing fees.

Section 418.7 sets forth the findings that the Superintendent must make to register a servicer and the procedures to be followed upon approval of an application for registration. It also sets forth the grounds upon which the Superintendent may refuse to register an applicant and the procedure for giving notice of a denial.

Section 418.8 defines what constitutes a "change of control" of a servicer, sets forth the requirements for prior approval of a change of control, the application procedure for such approval and the standards for approval. The section also requires servicers to notify the Superintendent of changes in their directors or executive officers.

Section 418.9 sets forth the grounds for revocation of a servicer registration and authorizes the Superintendent, for good cause or where there is substantial risk of public harm, to suspend a registration for 30 days

without a hearing. The section also provides for suspension of a servicer registration without notice or hearing upon non-payment of the required assessment. The Superintendent can also suspend a registration when a servicer fails to file a required report, when its surety bond is cancelled, or when it is the subject of a bankruptcy filing. If the registrant cures the deficiencies its registration can be reinstated. The section further provides that in all other cases, suspension or revocation of a registration requires notice and a hearing.

The section also covers the right of a registrant to surrender its registration, as well as the effect of revocation, termination, suspension or surrender of a registration on the obligations of the registrant. It provides that registrations will remain in effect until surrendered, revoked, terminated or suspended.

Section 418.10 describes the power of the Superintendent to impose fines and penalties on registered servicers.

Section 418.11 sets forth the requirement that applicants demonstrate five years of servicing experience as well as suitable character and fitness.

Section 418.12 covers the financial responsibility and other requirements that apply to applicants for servicer registration, registered servicers and exempted persons (other than insured depository institutions to which Section 418.13 applies). The financial responsibility requirements include a required net worth (as defined in the section) of at least \$250,000 plus 1/4 % of total loans serviced or, for a Third Party Servicer, 1/4 of 1% of New York loans serviced; (2) a corporate surety bond of at least \$250,000 and (3) a Fidelity and E&O bond in an amount that is based on the volume of New York mortgage loans serviced, with a minimum of \$300,000.

The Superintendent is empowered to waive, reduce or modify the financial responsibility requirements for certain servicers who service an aggregate amount of loans not exceeding \$4,000,000.

Section 418.13 exempts from the otherwise applicable net worth and surety bond requirements, but not the Fidelity and E&O bond requirements, entities that are subject to the capital requirements applicable to insured depository institutions and that are considered at least adequately capitalized.

Section 418.14 provides a transitional period for registration of mortgage loan servicers. A servicer doing business in this state on June 30, 2009 which files an application for MLS registration by July 31, 2009 will be deemed in compliance with the registration requirement until notified that its application has been denied. A person who is required to register as a servicer solely because of the changes in the provisions of the rule regarding use of third party servicers which became effective on August 23, 2011 and who files an application for registration within 30 days thereafter will not be required to register until six months from the effective date of the amendment or until the application is denied, whichever is earlier.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire July 22, 2017.

Text of rule and any required statements and analyses may be obtained from: Hadas A. Jacobi, New York State Department of Financial Services, One State Street, New York, NY 10004-1417, (212) 480-5890, email: hadas.jacobi@dfs.ny.gov

Regulatory Impact Statement

1. Statutory Authority.

Article 12-D of the Banking Law, as amended by the Legislature in the Subprime Lending Reform Law (Ch. 472, Laws of 2008, hereinafter, the "Subprime Law"), creates a framework for the regulation of mortgage loan servicers. Mortgage loan servicers (MLS) are individuals or entities which engage in the business of servicing mortgage loans for residential real property located in New York. That legislation also authorizes the adoption of regulations implementing its provisions. (See, e.g., Banking Law Sections 590(2) (b-1) and 595-b.)

Subsection (1) of Section 590 of the Banking Law was amended by the Subprime Law to add the definitions of "mortgage loan servicer" and "servicing mortgage loans". (Section 590(1)(h) and Section 590(1)(i).)

A new paragraph (b-1) was added to Subdivision (2) of Section 590 of the Banking Law. This new paragraph prohibits a person or entity from engaging in the business of servicing mortgage loans without first being registered with the Superintendent of Financial Services (formerly the Superintendent of Banks). The registration requirements do not apply to an "exempt organization," licensed mortgage banker or registered mortgage broker.

This new paragraph also authorizes the Superintendent to refuse to register an MLS on the same grounds as he or she may refuse to register a mortgage broker under Banking Law Section 592-a(2).

Subsection (3) of Section 590 was amended by the Subprime Law to clarify the power of the banking board to promulgate rules and regulations and to extend the rulemaking authority regarding regulations for the

protection of consumers and regulations to define improper or fraudulent business practices to cover mortgage loan servicers, as well as mortgage bankers, mortgage brokers and exempt organizations. (Note that under Section 89 of Part A of Chapter 62 of the Laws of 2011, the functions and powers of the banking board have been transferred to the Superintendent.)

New Paragraph (d) was added to Subsection (5) of Section 590 by the Subprime Law and requires mortgage loan servicers to engage in the servicing business in conformity with the Banking Law, such rules and regulations as may be prescribed by the Superintendent, and all applicable federal laws, rules and regulations.

New Subsection (1) of Section 595-b was added by the Subprime Law and requires the Superintendent to promulgate regulations and policies governing the grounds to impose a fine or penalty with respect to the activities of a mortgage loan servicer. Also, the Subprime Law amends the penalty provision of Subdivision (1) of Section 598 to apply to mortgage loan servicers as well as to other entities.

New Subdivision (2) of Section 595-b was added by the Subprime Law and authorizes the Superintendent to prescribe regulations relating to disclosure to borrowers of interest rate resets, requirements for providing payoff statements, and governing the timing of crediting of payments made by the borrower.

Section 596 was amended by the Subprime Law to extend the Superintendent's examination authority over licensees and registrants to cover mortgage loan servicers. The provisions of Banking Law Section 36(10) making examination reports confidential are also extended to cover mortgage loan servicers.

Similarly, the books and records requirements in Section 597 covering licensees, registrants and exempt organizations were amended by the Subprime Law to cover servicers and a provision was added authorizing the Superintendent to require that servicers file annual reports or other regular or special reports.

The power of the Superintendent to require regulated entities to appear and explain apparent violations of law and regulations was extended by the Subprime Law to cover mortgage loan servicers (Subdivision (1) of Section 39), as was the power to order the discontinuance of unauthorized or unsafe practices (Subdivision (2) of Section 39) and to order that accounts be kept in a prescribed manner (Subdivision (5) of Section 39).

Finally, mortgage loan servicers were added to the list of entities subject to the Superintendent's power to impose monetary penalties for violations of a law, regulation or order. (Paragraph (a) of Subdivision (1) of Section 44).

The fee amounts for MLS registration applications and for MLS branch applications are established in accordance with Banking Law Section 18-a.

2. Legislative Objectives.

The Subprime Law is intended to address various problems related to residential mortgage loans in this State. The Subprime Law reflects the view of the Legislature that consumers would be better protected by the supervision of mortgage loan servicing. Even though mortgage loan servicers perform a central function in the mortgage industry, there had previously been no general regulation of servicers by the state or the Federal government.

The Subprime Law requires that entities be registered with the Superintendent in order to engage in the business of servicing mortgage loans in this state. The law further requires mortgage loan servicers to engage in the business of servicing mortgage loans in conformity with the rules and regulations promulgated by the Superintendent.

The mortgage servicing statute has two main components: (i) the first component addresses the registration requirement for persons engaged in the business of servicing mortgage loans; and (ii) the second authorizes the Superintendent to promulgate appropriate rules and regulations for the regulation of servicers in this state.

The regulations implement the first component of the mortgage servicing statute – the registration of mortgage servicers. In doing so, the rule utilizes the authority provided to the Superintendent to set standards for the registration of such entities. For example, the rule requires that a potential loan servicer would have to provide, under Sections 418.11 to 418.13 of the proposed regulations, evidence of their character and fitness to engage in the servicing business and demonstrate to the Superintendent their financial responsibility. The rule also utilizes the authority provided by the Legislature to revoke, suspend or otherwise terminate a registration or to fine or penalize a registered mortgage loan servicer.

Consistent with this requirement, the rule authorizes the Superintendent to refuse to register an applicant if he/she shall find that the applicant lacks the requisite character and fitness, or any person who is a director, officer, partner, agent, employee, substantial stockholder of the applicant has been convicted of certain felonies. These are the same standards as are applicable to mortgage bankers and mortgage brokers in New York. (See Section 418.7.)

Further, in carrying out the Legislature's mandate to regulate the mortgage servicing business, Section 418.8 sets out certain application

requirements for prior approval of a change in control of a registered mortgage loan servicer and notification requirements for changes in the entity's executive officers and directors. Collectively, these various provisions implement the intent of the Legislature to register and supervise mortgage loan servicers.

The Department has separately adopted emergency regulations dealing with business conduct and consumer protection requirements for MLSS. (3 NYCRR Part 419).

3. Needs and Benefits.

The Subprime Law adopted a multifaceted approach to the lack of supervision of the mortgage loan industry. It affected a variety of areas in the residential mortgage loan industry, including: i. loan originations; ii. loan foreclosures; and iii. the conduct of business by residential mortgage loans servicers.

Previously, the Department of Financial Services (formerly the Banking Department) regulated the brokering and making of mortgage loans, but not the servicing of these mortgage loans. Servicing is vital part of the residential mortgage loan industry; it involves the collection of mortgage payments from borrowers and remittance of the same to owners of mortgage loans; to governmental agencies for taxes; and to insurance companies for insurance premiums. Mortgage servicers also may act as agents for owners of mortgages in negotiations relating to modifications. As "middlemen," moreover, servicers also play an important role when a property is foreclosed upon. For example, the servicer may typically act on behalf of the owner of the loan in the foreclosure proceeding.

Further, unlike in the case of a mortgage broker or a mortgage lender, borrowers cannot "shop around" for loan servicers, and generally have no input in deciding what company services their loans. The absence of the ability to select a servicer obviously raises concerns over the character and viability of these entities given the central part of they play in the mortgage industry. There also is evidence that some servicers may have provided poor customer service. Specific examples of these activities include: pyramiding late fees; misapplying escrow payments; imposing illegal prepayment penalties; not providing timely and clear information to borrowers; and erroneously force-placing insurance when borrowers already have insurance.

While minimum standards for the business conduct of servicers is the subject of another emergency regulation which has been promulgated by the Department. (3 NYCRR Part 419) Section 418.2 makes it clear that persons exempted by from the registration requirement must notify the Department that they are servicing mortgage loans and must otherwise comply with the regulations.

As noted above, these regulations relate to the first component of the mortgage servicing statute – the registration of mortgage loan servicers. It is intended to ensure that only those persons and entities with adequate financial support and sound character and general fitness will be permitted to register as mortgage loan servicers.

Further, consumers in this state will also benefit under these regulations because in the event there is an allegation that a mortgage servicer is involved in wrongdoing and the Superintendent finds that there is good cause, or that there is a substantial risk of public harm, he or she can suspend such mortgage servicer for 30 days without a hearing. And in other cases, he or she can suspend or revoke such mortgage servicer's registration after notice and a hearing. Also, the requirement that servicers meet minimum financial standards and have performance and other bonds will act to ensure that consumers are protected.

As noted above, the MLS regulations are divided into two parts. The Department had separately adopted emergency regulations dealing with business conduct and consumer protection requirements for MLSS. (3 NYCRR Part 419).

All Exempt Organizations, mortgage bankers and mortgage brokers that perform mortgage loan servicing with respect to New York mortgages must notify the Superintendent that they do so, and will be required to comply with the conduct of business and consumer protection rules applicable to MLSS.

Under Section 418.2, a person servicing loans made under the Power New York Act of 2011 will not thereby be considered to be engaging in the business of servicing mortgage loans. Consequently, a person would not be subject to the rules applicable to MLSS by reason of servicing such loans.

4. Costs.

The mortgage business will experience some increased costs as a result of the fees associated with MLS registration. The amount of the application fee for MLS registration and for an MLS branch application is \$3,000.

The amount of the fingerprint fee is set by the State Division of Criminal Justice Services and the processing fees of the National Mortgage Licensing System are set by that body. MLSS will also incur administrative costs associated with preparing applications for registration.

The ability by the Department to regulate mortgage loan servicers is expected to reduce costs associated with responding to consumers'

complaints, decrease unnecessary expenses borne by mortgagors, and, through the timely response to consumers' inquiries, should assist in decreasing the number of foreclosures in this state.

The regulations will not result in any fiscal implications to the State. The Department is funded by the regulated financial services industry. Fees charged to the industry will be adjusted periodically to cover Department expenses incurred in carrying out this regulatory responsibility.

5. Local Government Mandates.

None.

6. Paperwork.

An application process has been established for potential mortgage loan servicers to apply for registration electronically through the National Mortgage Licensing System and Registry (NMLSR) - a national system, which currently facilitates the application process for mortgage brokers, bankers and loan originators. Therefore, the application process is virtually paperless; however, a limited number of documents, including fingerprints where necessary, would have to be submitted to the Department in paper form.

The specific procedures that are to be followed in order to apply for registration as a mortgage loan servicer are detailed in Supervisory Procedure MB 109.

7. Duplication.

The regulation does not duplicate, overlap or conflict with any other regulations.

An exemption was created under Section 418.13, from the otherwise applicable net worth and surety bond requirements, for entities that are subject to the capital requirements applicable to insured depository institutions and are considered adequately capitalized.

8. Alternatives.

The purpose of the regulation is to carry out the statutory mandate to register mortgage loan servicers while at the same time avoiding overly complex and restrictive rules that would have imposed unnecessary burdens on the industry. The Department is not aware of any alternative that is available to the instant regulations. The Department also has been cognizant of the possible burdens of this regulation, and it has accordingly concluded that an exemption from the registration requirement for persons or entities that are involved in a de minimis amount of servicing would address the intent of the statute without imposing undue burdens those persons or entities.

The procedure for suspending servicers that violate certain financial responsibility or customer protection requirements, which provides a 90-day period for corrective action, during which there can be an investigation and hearing on the existence of other violations, provides flexibility to the process of enforcing compliance with the statutory requirements.

9. Federal Standards.

Currently, mortgage loan servicers are not required to be registered by any federal agencies. However, although not a registration process, in order for any mortgage loan servicer to service loans on behalf of certain federal instrumentalities such servicers have to demonstrate that they have specific amounts of net worth and have in place Fidelity and E&O bonds.

These regulations exceed those minimum standards, in that, a mortgage loan servicer will now have to demonstrate character and general fitness in order to be registered as a mortgage loan servicer. In light of the important role of a servicer - collecting consumers' money and acting as agents for mortgagees in foreclosure transactions - the Department believes that it is imperative that servicers be required to meet this heightened standard.

10. Compliance Schedule.

The emergency regulations will become effective on September 17, 2012. Similar emergency regulations have been in effect since July 1, 2009.

The Department expects to approve or deny applications within 90 days of the Department's receipt (through NMLSR) of a completed application.

A transitional period is provided for mortgage loan servicers which were doing business in this state on June 30, 2009 and which filed an application for registration by July 31, 2009. Such servicers will be deemed in compliance with the registration requirement until notified by the Superintendent that their application has been denied.

Additionally, the version of Part 418 adopted on an emergency basis effective August 5, 2011 requires holders of mortgage servicing rights to register as mortgage loans servicers even where they have sub-contracted servicing responsibilities to a third-party servicer. Such servicers were given until October 15, 2011 to file an application for registration.

Regulatory Flexibility Analysis

1. Effect of the Rule:

The emergency rule will not have any impact on local governments. It is estimated that there are approximately 120 mortgage loan servicers in the state which are not mortgage bankers, mortgage brokers or exempt organizations, and which are therefore required to register under the Subprime Lending Reform Law (Ch. 472, Laws of 2008) (the "Subprime Law"). Of these, it is estimated that a very few of the remaining entities will be deemed to be small businesses.

2. Compliance Requirements:

The provisions of the Subprime Law relating to mortgage loan servicers has two main components: it requires the registration by the Department of Financial Services (formerly the Banking Department) of servicers who are not mortgage bankers, mortgage brokers or exempt organizations (the "MLS Registration Regulations"), and it authorizes the Department to promulgate rules and regulations that are necessary and appropriate for the protection of consumers, to define improper or fraudulent business practices, or otherwise appropriate for the effective administration of the provisions of the Subprime Law relating to mortgage loan servicers (the "MLS Business Conduct Regulations").

The provisions of the Subprime Law requiring registration of mortgage loan servicers which are not mortgage bankers, mortgage brokers or exempt organizations became effective on July 1, 2009. The emergency MLS Registration Regulations here adopted implement that statutory requirement by providing a procedure whereby MLSs can apply to be registered and standards and procedures for the Department to approve or deny such applications. The emergency regulations also set forth financial responsibility standards applicable to applicants for MLS registration, registered MLSs and servicers which are exempted from the registration requirement.

Additionally, the regulations set forth standards and procedures for Department action on applications for approval of change of control of an MLS. Finally, the emergency regulations set forth standards and procedures for, suspension, revocation, expiration, termination and surrender of MLS registrations, as well as for the imposition of fines and penalties on MLSs.

3. Professional Services:

None.

4. Compliance Costs:

Applicants for mortgage loan servicer registration will incur administrative costs associated with preparing applications for registration. Applicants, registered MLSs and mortgage loan servicers exempted from the registration requirement may incur costs in complying with the financial responsibility regulations. Registration fees of \$3000, plus fees for fingerprint processing and participation in the National Mortgage Licensing System and Registry (NMLS) will be required of non-exempt servicers.

5. Economic and Technological Feasibility:

The emergency rule-making should impose no adverse economic or technological burden on mortgage loan servicers who are small businesses. The NMLS is now available. This technology will benefit registrants by saving time and paperwork in submitting applications, and will assist the Department by enabling immediate tracking, monitoring and searching of registration information; thereby protecting consumers.

6. Minimizing Adverse Impacts:

The regulations minimize the costs and burdens of the registration process by utilizing the internet-based NMLS, developed by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators. This system uses an on-line application form for servicer registration. A common form will be accepted by New York and the other participating states.

As noted above, most servicers are not small businesses. As regards servicers that are small businesses and not otherwise exempted, the regulations give the Superintendent of Financial Services (formerly the Superintendent of Banks) the authority to reduce, waive or modify the financial responsibility requirements for entities that do a de minimis amount of servicing.

7. Small Business and Local Government Participation:

Industry representatives have participated in outreach programs regarding regulation of servicers. The Department also maintains continuous contact with large segments of the servicing industry through its regulation of mortgage bankers and brokers. The Department likewise maintains close contact with a variety of consumer groups through its community outreach programs and foreclosure mitigation programs. In response to comments received regarding earlier versions of this regulation, the Department has modified the financial responsibility requirements. The revised requirements should generally be less burdensome for mortgage loan servicers, particularly smaller servicers and those located in rural areas.

Rural Area Flexibility Analysis

Types and Estimated Numbers: Approximately 70 mortgage loan servicers have been registered by the Department of Financial Services or have applied for registration. Very few of these entities operate in rural areas of New York State and of those, most are individuals that do a de minimis business. As discussed below, the Superintendent can modify the requirements of the regulation in such cases.

Compliance Requirements: Mortgage loan servicers in rural areas which are not mortgage bankers, mortgage brokers or exempt organizations must be registered with the Superintendent to engage in the business of

mortgage loan servicing. An application process will be established requiring a MLS to apply for registration electronically and to submit additional background information and fingerprints to the Mortgage Banking unit of the Department.

MLSs are required to meet certain financial responsibility requirements based on their level of business. The regulations authorize the Superintendent of Financial Services (formerly the Superintendent of Banks) to reduce or waive the otherwise applicable financial responsibility requirements in the case of MLSs which service not more than \$4,000,000 in aggregate mortgage loans in New York and which do not collect tax or insurance payments. The Superintendent is also authorized to reduce or waive the financial responsibility requirements in other cases for good cause. The Department believes that this will ameliorate any burden which those requirements might otherwise impose on entities operating in rural areas.

Costs: The mortgage business will experience some increased costs as a result of the fees associated with MLS registration. The application fee for MLS registration will be \$3,000. The amount of the fingerprint fee is set by the State Division of Criminal Justice Services and the processing fees of the National Mortgage Licensing System and Registry ("NMLSR") are set by that body. Applicants for mortgage loan servicer registration will also incur administrative costs associated with preparing applications for registration.

Applicants, registered MLSs and mortgage loan servicers exempted from the registration requirement may incur costs in complying with the financial responsibility regulations.

Minimizing Adverse Impacts: The regulations minimize the costs and burdens of the registration process by utilizing the internet-based NMLSR, developed by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators. This system uses an on-line application form for servicer registration. A common form will be accepted by New York and the other participating states.

Of the servicers which operate in rural areas, it is believed that most are mortgage bankers, mortgage brokers or exempt organizations.

Additionally, in the case of servicers that operate in rural areas and are not otherwise exempted, the Superintendent has the authority to reduce, waive or modify the financial responsibility requirements for individuals that do a de minimis amount of servicing.

Rural Area Participation: Industry representatives have participated in outreach programs regarding regulation of servicers. The Department also maintains continuous contact with large segments of the servicing industry through its regulation of mortgage bankers and brokers. The Department likewise maintains close contact with a variety of consumer groups through its community outreach programs and foreclosure mitigation programs. In response to comments received regarding earlier versions of this regulation, the Department has modified the financial responsibility requirements. The revised requirements should generally be less burdensome for mortgage loan servicers, particularly smaller servicers and those located in rural areas.

Job Impact Statement

Article 12-D of the Banking Law, as amended by the Subprime Lending Reform Law (Ch. 472, Laws of 2008), requires persons and entities which engage in the business of servicing mortgage loans to be registered with the Superintendent of Financial Services (formerly the Superintendent of Banks). This emergency regulation sets forth the application, exemption and approval procedures for registration as a Mortgage Loan servicer (MLS), as well as financial responsibility requirements for applicants, registrants and exempted persons. The regulation also establishes requirements with respect to changes of officers, directors and/or control of MLSs and provisions with respect to suspension, revocation, termination, expiration and surrender of MLS registrations.

The requirement to comply with the emergency regulations is not expected to have a significant adverse effect on jobs or employment activities within the mortgage loan servicing industry. Many of the larger entities engaged in the mortgage loan servicing business are already subject to oversight by the Department of Financial Services (formerly the Banking Department) and exempt from the new registration requirement. Additionally, the regulations give the Superintendent the authority to reduce, waive or modify the financial responsibility requirements for entities that do a de minimis amount of servicing.

The registration process itself should not have an adverse effect on employment. The regulations require the use of the internet-based National Mortgage Licensing System and Registry, developed by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators. This system uses a common on-line application for servicer registration in New York and other participating states. It is believed that any remaining adverse impact would be due primarily to the nature and purpose of the statutory registration requirement rather than the provisions of the emergency regulations.

Department of Health

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Department of Health publishes a new notice of proposed rule making in the *NYS Register*.

NYS Medical Indemnity Fund

I.D. No.	Proposed	Expiration Date
HLT-16-16-00002-P	April 20, 2016	April 20, 2017

Public Service Commission

NOTICE OF ADOPTION

Gas Safety Inspections

I.D. No. PSC-11-16-00013-A

Filing Date: 2017-04-20

Effective Date: 2017-04-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 4/20/17, the PSC adopted an order establishing statewide inspection schedules and procedural requirements for all local gas distribution companies (LDCs).

Statutory authority: Public Service Law, sections 65 and 66

Subject: Gas safety inspections.

Purpose: To establish statewide inspection schedules and procedural requirements for all LDCs.

Substance of final rule: The Commission, on April 20, 2017, adopted an order establishing statewide inspection schedules and procedural requirements for all local gas distribution companies, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-G-0244SA1)

NOTICE OF ADOPTION

Transfer of Assets

I.D. No. PSC-23-16-00013-A

Filing Date: 2017-04-21

Effective Date: 2017-04-21

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 4/20/17, the PSC adopted an order approving Beaver Dam Lake Water Corporation (Beaver Dam Lake) and New York American Water Company, Inc.'s (NYAW) joint petition for the sale of all assets of Beaver Dam Lake to NYAW.

Statutory authority: Public Service Law, sections 4(1), 5(1), 89-c(1), (10) and 89-h(1)

Subject: Transfer of assets.

Purpose: To approve Beaver Dam Lake and NYAW's joint petition for the sale of all assets of Beaver Dam Lake to NYAW.

Substance of final rule: The Commission, on April 20, 2017, adopted an order approving Beaver Dam Lake Water Corporation (Beaver Dam Lake)

and New York American Water Company, Inc.'s (NYAW) joint petition for the sale of all assets of Beaver Dam Lake to NYAW, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-W-0284SA1)

NOTICE OF ADOPTION

Use of a Endpoint in Water Meter Applications

I.D. No. PSC-25-16-00029-A

Filing Date: 2017-04-24

Effective Date: 2017-04-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 4/20/17, the PSC adopted an order approving Corbin Hills Water Corporation's (Corbin Hills) petition to use the Badger Meter ORION Water Cellular Endpoint (ORION Endpoint) for water meter applications in New York State.

Statutory authority: Public Service Law, section 89-d(1)

Subject: Use of a endpoint in water meter applications.

Purpose: To approve Corbin Hills' petition to use the ORION Endpoint in water meter applications in New York State.

Substance of final rule: The Commission, on April 20, 2017, adopted an order approving Corbin Hills Water Corporation's petition to use the Badger Meter ORION Water Cellular Endpoint for water meter applications in New York State, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-W-0301SA1)

NOTICE OF ADOPTION

Establishing Rates for Gas Service

I.D. No. PSC-32-16-00005-A

Filing Date: 2017-04-20

Effective Date: 2017-04-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 4/20/17, the PSC adopted an order approving National Fuel Gas Distribution Corporation (NFG) to increase annual revenues by \$5.9 million.

Statutory authority: Public Service Law, sections 5, 65 and 66

Subject: Establishing rates for gas service.

Purpose: To approve NFG to increase annual revenues.

Substance of final rule: The Commission, on April 20, 2017, adopted an order approving National Fuel Gas Distribution Corporation (NFG) to increase annual revenues by \$5.9 million and directed NFG to file further tariff revisions to P.S.C. No. 9 – Gas, to effectuate the provisions, to take effect on May 1, 2017, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-G-0257SA1)

NOTICE OF ADOPTION

Transfer of Property

I.D. No. PSC-44-16-00020-A

Filing Date: 2017-04-24

Effective Date: 2017-04-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 4/20/17, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) petition to transfer property to the Town of North Castle, Westchester County, New York (Town of North Castle).

Statutory authority: Public Service Law, sections 65, 66 and 70

Subject: Transfer of property.

Purpose: To approve Con Edison's petition to transfer property to the Town of North Castle.

Substance of final rule: The Commission, on April 20, 2017, adopted an order approving Consolidated Edison Company of New York, Inc.'s petition to transfer an approximately 0.25 acre parcel of property, located at the corner of Long Pond Road and Windmill Road in the Town of North Castle, State of New York, to the Town of North Castle, Westchester County, New York, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-M-0562SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-02-17-00009-A

Filing Date: 2017-04-24

Effective Date: 2017-04-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 4/20/17, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to Service Classification (SC) Nos. 9, 11 and 14, contained in P.S.C. No. 12—Gas.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Tariff amendments.

Purpose: To approve Con Edison's tariff amendments to SC Nos. 9, 11 and 14, contained in P.S.C. No. 12—Gas.

Substance of final rule: The Commission, on April 20, 2017, adopted an order approving Consolidated Edison Company of New York, Inc.'s tariff amendments to Service Classification No. 9 – Interruptible Transportation, No. 11 – First Transportation - Core and No. 14 – Interruptible Transportation Service to Electric Generation Facilities, to update index pricing points for over and under deliveries of gas for its interruptible and firm transportation customers, contained in P.S.C. No. 12 – Gas, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-G-0716SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-02-17-00011-A

Filing Date: 2017-04-20

Effective Date: 2017-04-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 4/20/17, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to General Information Rule No. 3, contained in P.S.C. No. 4—Steam.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Tariff amendments.

Purpose: To approve Con Edison's tariff amendments to General Information Rule No. 3, contained in P.S.C. No. 4—Steam.

Substance of final rule: The Commission, on April 20, 2017, adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to General Information Rule No. 3, the rules and regulations under which steam service is supplied, regarding prepayment for extension or reinforcement of mains, installation of service lines, the furnishing of service equipment and access to premises, contained in P.S.C. No. 4 – Steam, provided that Con Edison files a further revision to extend the Rider A and B agreement application implementation date to May 1, 2017, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-S-0715SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-03-17-00007-A

Filing Date: 2017-04-20

Effective Date: 2017-04-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 4/20/17, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) tariff amendments to Service Classification (SC) No. 12, contained in P.S.C. No. 220—Electricity.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Tariff amendments.

Purpose: To approve National Grid's tariff amendments to SC No. 12, contained in P.S.C. No. 220—Electricity.

Substance of final rule: The Commission, on April 20, 2017, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's tariff amendments to Form I – Customer Service Agreement for Service Classification No. 12 – Special Contract Rates, contained in P.S.C. No. 220 – Electricity, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0718SA1)

NOTICE OF ADOPTION

Proposal to Modify Dynamic Load Management Programs

I.D. No. PSC-04-17-00008-A

Filing Date: 2017-04-21

Effective Date: 2017-04-21

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 4/20/17, the PSC adopted an order addressing Central Hudson Gas and Electric Corporation's (Central Hudson) proposal to modify Dynamic Load Management (DLM) programs and directed Central Hudson to file its draft tariffs as tariff amendments.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12) and (14)

Subject: Proposal to modify Dynamic Load Management programs.

Purpose: To address Central Hudson's proposal to modify DLM and direct Central Hudson to file draft tariffs as tariff amendments.

Substance of final rule: The Commission, on April 20, 2017, adopted an order addressing Central Hudson Gas and Electric Corporation's (Central Hudson) proposal to modify Dynamic Load Management programs and directed Central Hudson to file its draft tariffs as tariff amendments, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0186SA4)

NOTICE OF ADOPTION

Proposal to Modify Dynamic Load Management Programs

I.D. No. PSC-04-17-00009-A

Filing Date: 2017-04-21

Effective Date: 2017-04-21

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 4/20/17, the PSC adopted an order addressing Orange and Rockland Utilities, Inc.'s (O&R) proposal to modify Dynamic Load Management (DLM) programs and directed O&R to file its draft tariffs as tariff amendments.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12) and (14)

Subject: Proposal to modify Dynamic Load Management programs.

Purpose: To address O&R's proposal to modify DLM and direct O&R to file draft tariffs as tariff amendments.

Substance of final rule: The Commission, on April 20, 2017, adopted an order addressing Orange and Rockland Utilities, Inc.'s (O&R) proposal to modify Dynamic Load Management programs and directed O&R to file its draft tariffs as tariff amendments, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commis-

sion, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0191SA4)

NOTICE OF ADOPTION

Proposal to Modify Dynamic Load Management Programs

I.D. No. PSC-04-17-00011-A

Filing Date: 2017-04-21

Effective Date: 2017-04-21

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 4/20/17, the PSC adopted an order addressing Niagara Mohawk Power Corporation d/b/a National Grid's (Niagara Mohawk) proposal to modify Dynamic Load Management (DLM) programs and directed Niagara Mohawk to file its draft tariffs as tariff amendments.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12) and (14)

Subject: Proposal to modify Dynamic Load Management programs.

Purpose: To address Niagara Mohawk's proposal to modify DLM and direct Niagara Mohawk to file draft tariffs as tariff amendments.

Substance of final rule: The Commission, on April 20, 2017, adopted an order addressing Niagara Mohawk Power Corporation d/b/a National Grid's (Niagara Mohawk) proposal to modify Dynamic Load Management programs and directed Niagara Mohawk to file its draft tariffs as tariff amendments, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0189SA3)

NOTICE OF ADOPTION

Environmental Easement

I.D. No. PSC-05-17-00003-A

Filing Date: 2017-04-24

Effective Date: 2017-04-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 4/20/17, the PSC adopted an order approving Rochester Gas & Electric Corporation's (RG&E) petition to grant an Environmental Easement (Easement) to the People of the State of New York for the Brooks Avenue Facility located in Rochester, New York.

Statutory authority: Public Service Law, section 70

Subject: Environmental Easement.

Purpose: To approve RG&E's petition to grant an Easement to the People of the State of New York for the Brooks Avenue Facility.

Substance of final rule: The Commission, on April 20, 2017, adopted an order approving Rochester Gas and Electric Corporation's petition for authority to grant an Environmental Easement to the People of the State of New York, acting through the Commissioner of the Department of Environmental Conservation, for its Brooks Avenue Facility located at 755 Brooks Avenue, Rochester, New York, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

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Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-M-0719SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-06-17-00009-A

Filing Date: 2017-04-24

Effective Date: 2017-04-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 4/20/17, the PSC adopted an order approving Central Hudson Gas and Electric Corporation's (Central Hudson) tariff amendments to Service Classification (SC) No. 8, contained in P.S.C. No. 15 — Electricity.

Statutory authority: Public Service Law, section 66(12)(b)

Subject: Tariff amendments.

Purpose: To approve Central Hudson's tariff amendments to SC No. 8, contained in P.S.C. No. 15 — Electricity.

Substance of final rule: The Commission, on April 20, 2017, adopted an order approving Central Hudson Gas and Electric Corporation's tariff amendments to include four additional street lighting fixtures under Service Classification No. 8 — Public Street and Highway, Rate C (Customer Owned and Maintained), contained in P.S.C. No. 15 — Electricity, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-E-0048SA1)

NOTICE OF ADOPTION

Transfer of Ownership Interests, Financing, Corporate Reorganization and Continuation of Lightened Regulation

I.D. No. PSC-06-17-00012-A

Filing Date: 2017-04-19

Effective Date: 2017-04-19

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 4/19/17, the PSC adopted an order approving the transfer of ownership interests in TC Ravenswood, LLC and TC Ravenswood Services Corporation (Ravenswood) to Helix Generation, LLC (Helix), subject to unconditional acceptance.

Statutory authority: Public Service Law, sections 2(13), (22), (23), 5(1)(b), 64-66, 68, 69, 69-a, 70, 78-82, 82-a, 83, 105-108, 110 and 111

Subject: Transfer of ownership interests, financing, corporate reorganization and continuation of lightened regulation.

Purpose: To approve the transfer of ownership interests in Ravenswood to Helix.

Substance of final rule: The Commission, on April 19, 2017, adopted an order approving the transfer of ownership interests in TC Ravenswood, LLC (Ravenswood LLC) and TC Ravenswood Services Corporation (Ravenswood Services), the direct owners of electric and steam plant, respectively, located in Queens, New York, from TransCanada Facility USA, Inc. to Helix Generation, LLC, the proposed financing, in an amount not to exceed \$2.5 billion, to support the proposed transfers and for other

lawful purposes, the conversion of Ravenswood Services from a transportation corporation to a limited liability company and that the existing incidental and lightened regulatory regimes applied to Ravenswood LLC and Ravenswood Services should continue with the Unit 40 Sublessor not becoming either an electric or steam corporation subject to Commission regulation upon consummation of the proposed transfers, subject to unconditional acceptance and other terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-E-0016SA1)

NOTICE OF ADOPTION

Request for Waiver Requirements of 16 NYCRR Section 602.10(b)

I.D. No. PSC-07-17-00018-A

Filing Date: 2017-04-20

Effective Date: 2017-04-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 4/20/17, the PSC adopted an order approving, with conditions, Frontier Communication's (Frontier) petition requesting waiver requirements of 16 NYCRR section 602.10(b), relating to the distribution of telephone directories.

Statutory authority: Public Service Law, section 94(2)

Subject: Request for waiver requirements of 16 NYCRR section 602.10(b).

Purpose: To approve Frontier's petition requesting waiver requirements of 16 NYCRR section 602.10(b).

Substance of final rule: The Commission, on April 20, 2017, adopted an order approving Frontier Telephone of Rochester, Inc., Citizens Telecommunications Company of New York, Inc., Frontier Communications of Sylvan Lake, Inc., Frontier Communications of AuSable Valley, Inc., Frontier Communications of Seneca-Gorham, Inc. and Ogdén Telephone Company's (collectively, Frontier) petition requesting waiver requirements of 16 NYCRR § 602.10(b), relating to the distribution of telephone directories, conditioned upon Frontier providing notification that reaches all customers and Competitive Local Exchange Companies (CLECs) in the affected local exchange areas consistent with their respective petition, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-C-0013SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

NYAW's Request to Defer and Amortize, for Future Rate Recognition, Pension Settlement Payout Losses Incurred in 2016

I.D. No. PSC-19-17-00004-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a petition filed by New

York American Water Company, Inc. (NYAW) requesting deferral accounting and amortization of pension settlement losses.

Statutory authority: Public Service Law, section 89-c

Subject: NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.

Purpose: Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.

Substance of proposed rule: The Public Service Commission is considering a petition filed by the New York American Water Company, Inc. on January 27, 2017, to defer and amortize, for future rate recognition, all losses incurred due to lump sum pension payouts from its pension plan that triggered settlements during 2016. The full text of the petition may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the relief proposed, and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-W-0062SP1)

State University of New York

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Amendments to Traffic and Parking Regulations at State University College at Plattsburgh

I.D. No. SUN-19-17-00005-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of sections 565.3(b) and 565.7(e) of Title 8 NYCRR.

Statutory authority: Education Law, section 360(1)

Subject: Proposed amendments to traffic and parking regulations at State University College at Plattsburgh.

Purpose: Amend existing regulations to update traffic and parking regulations.

Text of proposed rule: Part 565 of Title 8 NYCRR is amended to read as follows:

§ 565.3 Registration.

(b) Vehicle Parking Registration. All motorized vehicles parked on campus must be registered with the University Police at a campus parking registration fee approved by the chancellor or designee. [This includes motor vehicles, motorcycles, and motor scooters.]

1) Any campus member, who is a veteran with an honorable discharge from active military service, parking a registered vehicle on campus, shall present a DD-214 to University Police for waiver of the parking fees.

2) Reserved Parking Registration. Any campus member authorized to park a registered vehicle in a reserved parking space on campus is required to pre-register the vehicle with the University Police Parking Manager through their applicable supervisor or director. These reserved parking areas include, but are not limited to, "Service Vehicles Only" and "Reserved for Resident Director."

3) Any non-campus employee working on campus in either a temporary or permanent capacity is required to pre-register any vehicle parked on campus with the University Police Parking Manager, through their designated supervisor, within 48 hours of starting employment.

4) Parking for Disabled Individuals. Any disabled individual possessing a valid parking permit is required to register vehicle with the University Police for parking in any "Handicapped" parking area, or in the event no handicapped parking is available, in any regular parking space that is a legal parking space.

5) Any volunteer authorized to park a vehicle in designated parking areas on campus while in a volunteer capacity is required to pre-register the vehicle with the University Police Parking Manager, through the designated supervisor, within 48 hours of starting volunteer work. This includes any docent, authorized to park a vehicle in a "Reserved for Docent" parking space.

6) Any visitor parking a vehicle on campus while visiting a campus member is required to register the vehicle with the University Police, or designee, and obtain an applicable pass or permit.

7) Any Emeritus or Alumnus utilizing one or more campus facilities on a routine basis shall register a vehicle for parking on campus at a fee approved by the chancellor or designee.

8) Any *service or supply* vendor who is [parking a vehicle on campus while] conducting business on campus is required to register the vehicle for parking on campus with the University Police at a *vendor registration fee approved by the chancellor or designee*.

9) Parking Registration for Construction Contractors or Subcontractors.

i. Any construction contractor or subcontractor *who is conducting business on campus* is required to register *all* vehicles for parking on campus through Facilities at a *contractor registration fee approved by the chancellor or designee*, and abide by all campus parking regulations for designated parking as stated in the terms and conditions of the contract agreement.

ii. Any other contractor or subcontractor who is working on campus for any department other than Facilities shall register their vehicle with the University Police Parking Manager.

10) Parking Registration for Events.

i. Visitor parking for invited guests to campus events, between Monday-Friday, 8a-5p, requires event registration by the department chair, a minimum of 30 days prior to the event, whenever possible.

ii. Visitor parking for large public campus events requires the coordination of event planning through the Chief of University Police, or designee.

§ 565.7 Penalties and procedures; violations of campus traffic and parking regulations.

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(e) Penalties and fees assessed:

NO PERMIT VISIBLE: Individual has failed to properly display a valid parking permit while parking a vehicle – registered or unregistered - on campus -- \$25 per violation.

EXPIRED PERMIT: Registrant has failed to renew parking permit before the current permit term has ended -- \$25 per violation.

UNAUTHORIZED PERMIT: Unauthorized use of a parking permit on a vehicle parked on campus -- \$25 per violation and the potential for disciplinary action.

VIOLATION OF DEFINED LINES: Parking in a manner that renders an adjoining parking space unusable, or creates a safety hazard -- \$10 per violation.

WRONG LOT: Vehicle is violating lot restriction during restricted hours, M-F, 8a-5p -- \$25 per violation.

NO PARKING ZONE: Vehicle is parked outside of designated parking areas. This includes parking on grass or seeded areas, zones designated by signage, driveways, roadways, etc, or that may create a safety hazard -- \$25 per violation and the potential for towing, without warning, in the event of a safety hazard.

NO OVERNIGHT PARKING: Vehicle is parked in lot that restricts overnight parking after midnight -- \$25[0] per violation.

PARKED IN HANDICAPPED: Vehicle is not authorized to park in the space reserved for handicapped space -- \$50 per violation.

RESERVED PARKING: Vehicle is not authorized to park in the designated reserved space -- \$30[25] per violation.

TOW FEE: Any vehicle towed off campus premises is assessed a tow fee in addition to the applicable violation, and any fees assessed by the private tow service -- \$50[15] per violation.

OTHER VIOLATION: as stated on the citation, does not meet with campus traffic and parking regulations -- \$25 per violation.

Text of proposed rule and any required statements and analyses may be obtained from: Lisa Campo, State University of New York, System Administration, State University Plaza, S-325, Albany, NY 12246, (518) 320-1400, email: Lisa.Campo@SUNY.edu

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

1. Statutory authority: Education Law § 360(1) authorizes the State University Trustees to make rules and regulations relating to parking, vehicular and pedestrian traffic and safety on the State-operated campuses of the State University of New York.

2. Legislative objectives: The present measure makes technical amendments to the parking and traffic regulations applicable to the State University College at Plattsburgh.

3. Needs and benefits: The amendments are necessary to update existing regulations as a result of changes.

4. Costs: None.

5. Local government mandates: None.

6. Paperwork: None.

7. Duplication: None.

8. Alternatives: There are no viable alternatives.

9. Federal standards: There are no related Federal standards.

10. Compliance schedule: The College at Plattsburgh will notify those affected as soon as the rule is effective. Compliance should be immediate.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is submitted with this notice because this proposal does not impose any requirements on small businesses and local governments. This proposed rule making will not impose any adverse economic impact on small businesses and local governments or impose any reporting, recordkeeping or other compliance requirements on small businesses and local governments. The proposal addresses internal parking and traffic regulations on the campus of the State University College at Plattsburgh.

Rural Area Flexibility Analysis

No rural area flexibility analysis is submitted with this notice because this proposal will not impose any adverse economic impact on rural areas or impose any reporting, record keeping or other compliance requirements on public or private entities in rural areas. The proposal addresses internal parking and traffic regulations on the campus of the State University College at Plattsburgh.

Job Impact Statement

No job impact statement is submitted with this notice because this proposal does not impose any adverse economic impact on existing jobs or employment opportunities. The proposal addresses internal parking and traffic regulations on the campus of the State University College at Plattsburgh.

HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-14-17-00001-P	Prevention and control of environmental pollution by radioactive materials	Department of Environmental Conservation, 625 Broadway, Rm. 129, Albany, NY—May 25, 2017, 1:00 p.m.
ENV-19-17-00003-P	Part 232 regulates entities that operate dry cleaning machines	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—June 27, 2017, 6:00 p.m. Reinstein Woods Environmental Education Center, Reinstein Woods Nature Preserve, 93 Honorine Dr., Depew, NY—June 28, 2017, 6:00 p.m. SUNY Stony Brook, 50 Circle Rd., Rm. B02, Stony Brook, NY—June 29, 2017, 6:00 p.m. Department of Transportation, Hunter's Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY—June 30, 2017, 6:00 p.m.
Public Service Commission		
PSC-14-17-00017-P	Petition for full-scale deployment of AMI and to establish an AMI surcharge	Department of Public Service, Agency Bldg. 3, 19th Fl. Boardroom, Albany, NY—August 2, 2017, 10:30 a.m. and continuing as needed (Evidentiary Hearing)* *On occasion there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Cases 17-E-0058 and 17-G-0059.
State, Department of		
DOS-14-17-00004-P	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	Department of State, 99 Washington Ave., Rm. 505, Albany, NY—May 22, 2017, 10:00 a.m.
DOS-14-17-00005-P	State Energy Conservation Construction Code (the Energy Code)	Department of State, 99 Washington Ave., Rm. 505, Albany, NY—May 22, 2017, 10:00 a.m.

ACTION PENDING INDEX

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(*).

For additional information concerning any of the proposals

listed in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	00001	P

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-23-16-00005-P	06/08/17	National Institute of Standards and Technology ("NIST") Handbook 44; receipts issued by taxicab operators, digital scales	To incorporate NIST Handbook 44 (2016 edition); to allow handwritten taxicab receipts; to liberalize scale requirements
AAM-10-17-00004-P	03/08/18	Asian Long Horned Beetle (ALB)	To lift the ALB quarantine in eastern Queens since the insect has no longer been detected there. To make technical changes.
AAM-13-17-00001-P	03/29/18	Food processing license exemptions for maple syrup and honey processors	To allow maple syrup and honey processors to add safe ingredients and remain exempt from licensing
AAM-13-17-00002-P	03/29/18	Requirements applicable to facilities that manufacture food for human consumption	To incorporate by reference 21 CFR Part 117, containing such requirements
AAM-16-17-00001-P	04/19/18	National Institute of Standards and Technology ("NIST") Handbook 44; receipts issued by taxicab operators, digital scales	To incorporate NIST Handbook 44 (2017 edition); to allow handwritten taxicab receipts; to liberalize scale requirements
AAM-17-17-00005-P	04/26/18	Standards for growing, harvesting, packing, and holding of produce for human consumption ("Standards")	To incorporate by reference 21 CFR Part 112, containing such Standards
AAM-19-17-00006-EP	05/10/18	Species of ash trees, parts thereof and products and debris therefrom which are at risk for infestation by the emerald ash borer	To expand the emerald ash borer (EAB) quarantine to points south of the New York State Thruway to Long Island where the EAB is

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-52-16-00012-P	12/28/17	Repeal Part 830 and add new Part 830 regarding Ancillary Services and Therapies	Repeal obsolete regulations and incorporate provisions into a new Part with additional provisions
ASA-52-16-00013-RP	12/28/17	Repeal Parts 321 and 1055; add new Part 813 regarding Financing capital improvements	Repeal DSAS/DAAA regulations; consolidate provisions into new Part 813

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
AUDIT AND CONTROL, DEPARTMENT OF			
AAC-19-17-00001-P	05/10/18	The New York Achieving A Better Life Experience Savings Account Act (ABLE)	To implement the New York Achieving A Better Life Experience Savings Account Act (ABLE) as a qualified program under IRC § 529-a
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-14-17-00003-EP	04/05/18	Minimum pre-service, orientation health and safety training requirements in child day care programs	To implement minimum pre-service, orientation health and safety training requirements in child day care programs
CFS-17-17-00010-P	04/26/18	Increase in the maximum length of stay in residential domestic violence programs	To implement changes to section 459-a of the Social Services Law increasing maximum length of stay in domestic violence programs
CIVIL SERVICE, DEPARTMENT OF			
CVS-20-16-00005-P	05/18/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-20-16-00006-P	05/18/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-26-16-00003-P	06/29/17	Jurisdictional Classification	To classify positions in the exempt class and to delete positions from the non-competitive class
CVS-26-16-00004-P	06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00005-P	06/29/17	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-26-16-00006-P	06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00007-P	06/29/17	Jurisdictional Classification	To classify positions in the non-competitive classes
CVS-26-16-00008-P	06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00009-P	06/29/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-26-16-00010-P	06/29/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-26-16-00011-P	06/29/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-29-16-00001-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-16-00002-P	07/20/17	Jurisdictional Classification	To delete subheading & positions from; to add heading, subheading & positions in exempt and non-competitive classes
CVS-29-16-00003-P	07/20/17	Jurisdictional Classification	To delete positions from the exempt and non-competitive classes
CVS-29-16-00004-P	07/20/17	Jurisdictional Classification	To delete positions from the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-29-16-00005-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-16-00006-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-16-00007-P	07/20/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-16-00008-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-29-16-00009-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-16-00010-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-16-00011-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-16-00012-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-16-00013-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-16-00014-P	07/20/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-16-00015-P	07/20/17	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-29-16-00016-P	07/20/17	Jurisdictional Classification	To delete positions from the exempt and non-competitive classes
CVS-29-16-00017-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-29-16-00018-P	07/20/17	Jurisdictional Classification	To delete subheading & positions from; to add heading, subheading & positions in exempt and non-competitive classes
CVS-35-16-00004-P	08/31/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-35-16-00005-P	08/31/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class.
CVS-35-16-00006-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-35-16-00007-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-35-16-00008-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-35-16-00009-P	08/31/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-35-16-00010-P	08/31/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-35-16-00011-P	08/31/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-35-16-00012-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class

Action Pending Index**NYS Register/May 10, 2017**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-44-16-00001-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00002-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00003-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00004-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-44-16-00005-P	11/02/17	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-44-16-00006-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00007-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00008-P	11/02/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-16-00009-P	11/02/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-46-16-00001-P	11/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-46-16-00002-P	11/16/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-46-16-00003-P	11/16/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-46-16-00004-P	11/16/17	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-17-00006-P	01/04/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-01-17-00007-P	01/04/18	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-01-17-00008-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00009-P	01/04/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-01-17-00010-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00011-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00012-P	01/04/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-17-00013-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00014-P	01/04/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-17-00015-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-01-17-00017-P	01/04/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-04-17-00003-P	01/25/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-04-17-00004-P	01/25/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-07-17-00003-P	02/15/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-17-00004-P	02/15/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-07-17-00005-P	02/15/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-17-00006-P	02/15/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-07-17-00007-P	02/15/18	Jurisdictional Classification	To classify a position non-competitive class.
CVS-12-17-00004-P	03/22/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-12-17-00005-P	03/22/18	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class.
CVS-12-17-00006-P	03/22/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class.
CVS-12-17-00007-P	03/22/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-12-17-00008-P	03/22/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-12-17-00009-P	03/22/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-12-17-00010-P	03/22/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-17-17-00002-P	04/26/18	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2017
CVS-18-17-00001-P	05/03/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-17-00002-P	05/03/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-17-00003-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00004-P	05/03/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-18-17-00005-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00006-P	05/03/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-18-17-00007-P	05/03/18	Jurisdictional Classification	To classify a position in the exempt class

Action Pending Index**NYS Register/May 10, 2017**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-18-17-00008-P	05/03/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-18-17-00009-P	05/03/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-18-17-00010-P	05/03/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-18-17-00011-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00012-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00013-P	05/03/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-18-17-00014-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CVS-18-17-00015-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00016-P	05/03/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-18-17-00017-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class and delete positions from the non-competitive class

CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF

CCS-39-16-00004-P	09/28/17	Parole Board decision making	To clearly establish what the Board must consider when conducting an interview and rendering a decision
CCS-10-17-00002-P	03/08/18	Payment of costs for prosecution of certain inmates and certain inmate-patients	To amend the rule in accordance with Mental Hygiene Law and to update the agency name
CCS-10-17-00003-P	03/08/18	Marriages During Confinement	Update a job title, clarify rules for existing program, set timing for notification of marriage, delete chaplains interview

CRIMINAL JUSTICE SERVICES, DIVISION OF

CJS-25-16-00004-RP	06/22/17	Handling of Ignition Interlock Cases Involving Certain Criminal Offenders.	To promote public/traffic safety, offender accountability and quality assurance through the establishment of minimum standards.
CJS-12-17-00003-P	03/22/18	Partial Match Policy	Align language of the Partial Match Policy and regulations with current National DNA Index System (NDIS) operating procedures

EDUCATION DEPARTMENT

*EDU-06-16-00004-RP	08/08/17	School counseling, certification requirements for school counselors and the school counselor program registration requirements.	To implement policy enacted by the Board of Regents to enhance existing public school district guidance programs to require comprehensive developmental counseling programs for all students in grades prekindergarten through 12 by certified school counselors
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-45-16-00006-RP	11/09/17	Eligibility for Participation in Interscholastic Sports and Duration of Competition	Clarifies when a student's eligibility for athletic competition may be extended and the use of the athletic placement process
EDU-04-17-00005-P	01/25/18	Continuing education requirements for veterinarians and veterinary technicians	Provides that veterinarians may provide free spaying and neutering services as part of their continuing education requirements
EDU-04-17-00012-P	01/25/18	School Health Services	To conform school health regulations to Ch.58 of the Laws of 2006, Ch.57 of the Laws of 2013, and Ch.373 of the Laws of 2016
EDU-13-17-00012-EP	03/29/18	Dispensing of post-exposure prophylaxis drugs to prevent HIV in persons who may have been recently exposed	To allow execution by licensed pharmacists of non-patient specific orders to dispense HIV post-exposure prophylaxis drugs
EDU-13-17-00013-EP	03/29/18	Screening of individuals at increased risk of syphilis, gonorrhea and chlamydia (sexually transmitted infections or STIs)	To allow execution by registered professional nurses of non-patient specific orders to screen persons at increased risk of STIs
EDU-13-17-00014-EP	03/29/18	Eliminate Academic Literacy Skills Test for teacher certification, remove unnecessary references to liberal arts and science	To implement the recommendations of the edTPA Task Force
EDU-13-17-00015-EP	03/29/18	Criteria for Approval of Pathway Assessments in Languages other than English (LOTE)	To provide for approval of pathway examinations in Languages other than English (LOTE) to meet diploma requirements
EDU-13-17-00016-P	03/29/18	Multiple Measures Process for the edTPA	To implement recommendations of the edTPA Task Force to Establish a Multiple Measures Process for the edTPA
EDU-14-17-00006-P	04/05/18	State Aid for Library Construction, and School Library Systems	To Implement Education Law § 273-a and to Update Terminology Related to the Functions of school library systems
EDU-16-17-00008-EP	04/19/18	Eligible Score Band for an Appeal of the English Language Arts Regents Examination for Eligible English Language Learners (ELLs)	To Align with the Recent Expansion of the Eligible Score Band for Appeals for Certain Regents Examinations for All Students
EDU-16-17-00009-P	04/19/18	Residency Certificates	To establish requirements for candidates seeking a residency certificate
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
*ENV-11-16-00004-P	06/07/17	Solid Waste Management Regulations	Amend the rules that implement the solid waste program in New York State to incorporate changes in law and technology
ENV-31-16-00003-P	09/30/17	Waste Fuels	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and incorporate federal standards
ENV-36-16-00002-P	11/02/17	Lake Champlain drainage basin	To reclassify certain surface waters in Lake Champlain Drainage Basin, in Clinton, Essex, Franklin, Warren, Washington counties
ENV-06-17-00001-P	03/31/18	Amendments to 6 NYCRR Part 617 (which implement the State Environmental Quality Review Act [Article 8 of the ECL])	The purpose of the rule making is to streamline the SEQR process without sacrificing meaningful environmental review

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-09-17-00001-P	03/01/18	Regional Hunting Regulations	To repeal regional hunting regulations
ENV-12-17-00002-P	03/22/18	Free Sport Fishing Days	To expand and establish four additional free sport fishing days
ENV-14-17-00001-P	05/25/18	Prevention and Control of Environmental Pollution by Radioactive Materials	To amend regulations pertaining to disposal and release of radioactive materials to the environment
ENV-16-17-00003-P	04/19/18	Permits for taking surfclams	To reduce paperwork and streamline the surfclam permitting process
ENV-17-17-00006-P	04/26/18	Protection of diamondback terrapin	To close the open season on diamondback terrapin
ENV-17-17-00007-P	04/26/18	Special permit requirement to hunt or trap bobcats in the Harvest Expansion Area in central and western NY	Revise regulations to remove the requirement for a special permit to hunt or trap bobcats in the Harvest Expansion Area
ENV-19-17-00003-P	06/30/18	Part 232 regulates entities that operate dry cleaning machines.	Repeal and replace Part 232 to reduce alternative solvent and perc emissions.
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
DFS-39-16-00007-P	09/28/17	Charges for Professional Health Services	Limit reimbursement of no-fault health care services provided outside NYS to highest fees in fee schedule for services in NYS
DFS-48-16-00006-P	11/30/17	Life Insurance and Annuity Non-guaranteed Elements	To establish standards for the determination and readjustment of non-guaranteed elements for life insurance and annuities
DFS-06-17-00014-P	02/08/18	Minimum Standards For Form, Content And Sale Of Health Insurance, Including Standards Of Full And Fair Disclosure	To ensure that medically necessary abortion coverage is maintained for all insureds
DFS-06-17-00015-P	02/08/18	Minimum Standards For Form, Content And Sale Of Health Insurance, Including Standards Of Full And Fair Disclosure	To allow coverage for the dispensing of contraceptives and codify additional guidelines
DFS-08-17-00009-P	02/22/18	Minimum Standards for the Form & Rating of Family Leave Benefits Coverage, Including a Risk Adjustment Mechanism	Implement statutory mandates for family leave benefits coverage set forth in Insurance Law § 4235(n) and Workers' Compensation Law § § 204(2)(a), 208(2) and 209(3)(b)
DFS-09-17-00002-P	03/01/18	Valuation Of Life Insurance Reserves and Recognition Of The 2001 CSO Mortality Table And The 2017 CSO Mortality Table, et al.	To adopt the 2017 CSO Mortality Table
DFS-11-17-00003-P	03/15/18	Continuing Care Retirement Communities	Amend rules related to permitted investments, financial transactions, reporting requirements and add new optional contract type
DFS-17-17-00001-P	04/26/18	Supplementary Uninsured/Underinsured Motorists (SUM) Insurance	To establish a standard form for SUM coverage in order to eliminate ambiguity, minimize confusion, and maximize its utility

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-17-17-00003-P	04/26/18	Valuation of Individual and Group Accident and Health Insurance Reserves	To adopt the 2013 Individual Disability Income Valuation Table
DFS-18-17-00018-P	05/03/18	Statement of Actuarial Opinion and Actuarial Opinion Summary for Property/Casualty Insurers	To incorporate Section 2A and B of the NAIC's Property and Casualty Actuarial Opinion Model Law
DFS-18-17-00019-P	05/03/18	Financial Risk Transfer Agreements Between Insurers and Accountable Care Organizations	To permit insurers to enter into financial risk transfer agreements with Accountable Care Organizations
DFS-18-17-00020-P	05/03/18	Establishment And Operation Of Market Stabilization Mechanisms For Certain Health Insurance Markets	To allow for the implementation of a market stabilization pool for the small group health insurance market
DFS-18-17-00021-P	05/03/18	TITLE INSURANCE RATES, EXPENSES AND CHARGES	To insure proper, non-excessive rates, compliance with Ins. Law 6409(d), and reasonable charges for ancillary services
DFS-18-17-00022-P	05/03/18	Title insurance agents, affiliated relationships, and title insurance business	To implement requirements of Chapter 57 of Laws of NY 2014 re: title insurance agents and placement of title insurance business
GAMING COMMISSION, NEW YORK STATE			
SGC-45-16-00004-P	11/09/17	Anti-stacking of NSAIDs and diclofenac made a 48 hour NSAID	To enable the Commission to preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of
SGC-17-17-00004-P	04/26/18	Allow standardbred horses not to requalify when uncontrollable events (e.g., weather) prevent horse from racing on regular basis	To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government
SGC-17-17-00008-P	04/26/18	Licensing and regulation of multi-jurisdictional account wagering providers in pari-mutuel horse racing	To adopt rules consistent with and as directed by Chapter 174 of the Laws of 2013
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-35-16-00018-P	08/31/17	All Payer Database (APD)	To define the parameters for operating the APD regarding mandatory data submission by healthcare payers as well as data release
HLT-37-16-00024-P	09/14/17	Medical Use of Marihuana	To comprehensively regulate the manufacture, sale and use of medical marihuana
HLT-41-16-00002-EP	10/12/17	Residential Health Care Facility Quality Pool	To reward NYS facilities with the highest quality outcomes as determined by methodology developed by regulation
HLT-50-16-00008-P	12/14/17	HIV/AIDS Testing, Reporting and Confidentiality of HIV-Related Information	To simplify HIV testing consent and improve linkage to care
HLT-51-16-00003-P	12/21/17	Federal Conditions of Participation	To reflect amendments consistent with updated Federal Conditions of Participation
HLT-07-17-00008-P	02/15/18	Adult Day Health Care Services for Registrants with AIDS	To provide programs with the ability to register and service other high-need populations

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-07-17-00009-P	02/15/18	Public Water Systems	To incorporate federal rules and revisions to Public Health Law
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
LPA-41-16-00007-P	exempt	PSEG Long Island's balanced billing program	To implement improvements to the balanced billing program
LPA-41-16-00008-P	exempt	The Authority's Power Supply Charge	To move certain capacity related power supply costs from base rates to the Authority's Power Supply Charge
LPA-41-16-00009-P	exempt	The Authority's Smart Grid Small Generator Interconnection Procedures	To update the Authority's Smart Grid Small Generator Interconnection Procedures
LPA-41-16-00010-P	exempt	The Authority's Revenue Decoupling Mechanism	To change the RDM from a semi-annual to an annual rate resetting process
LPA-41-16-00011-P	exempt	The Authority's Visual Benefits Assessment	To effectuate a settlement between the Authority and the Town of Southampton regarding collection of arrears
LPA-11-17-00013-P	exempt	Dynamic load management provisions of the Authority's Tariff	To update the dynamic load management provisions of the Tariff in order to be consistent with PSC policy
LPA-11-17-00014-P	exempt	Street lighting provisions of the Authority's Tariff for Electric Service	To clarify provisions regarding notification of street lighting changes and resulting billing modifications
MOTOR VEHICLES, DEPARTMENT OF			
MTV-11-17-00005-P	03/15/18	Private Service Bureaus	To delete the outdated DMV website address from the regulation
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-09-17-00004-P	03/01/18	Swimming in state park lands	To amend and clarify an outdated regulation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-13-17-00011-P	03/29/18	Amendments to regulations governing use of boats and watercraft and control of invasive aquatic species	To make general updates and technical amendments and to clarify permissible inflatable watercraft types
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-08-17-00006-P	02/22/18	Certification of Facilities and Home and Community Based Services (HCBS)	To update, reorganize, and relocate existing requirements for certification of programs and services in OPWDD's system
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC EMPLOYMENT RELATIONS BOARD			
PRB-16-17-00002-P	04/19/18	Rules and regulations to effectuate the purposes of the Public Employees' Fair Employment Act (Civil Service Law Art. 14)	Codify existing practices; modernize pleadings; remove outdated rules
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-39-06-00018-P	..... exempt	Order establishing rate plan by Central Hudson Gas & Electric Corporation and the Consumer Protection Board	To consider the petitions for rehearing
*PSC-39-06-00019-P	..... exempt	Investigation of Richard M. Osborne by Corning Natural Gas Corporation	To determine the interests, plans and commitments that will be in place if he is successful in blocking the merger of Corning Gas and C&T Enterprises
*PSC-39-06-00022-P	..... exempt	Uniform business practices and related matters by U.S. Energy Savings Corporation	To establish a contest period
*PSC-40-06-00005-P	..... exempt	Orion Integral automatic meter reading transmitter by New York State Electric and Gas Corporation	To permit gas utilities in NYS to use the Badger Meter Incorporated Orion Integral transmitters
*PSC-42-06-00011-P	..... exempt	Submetering of electricity by 225 5th LLC	To submeter electricity at 255 Fifth Ave., New York, NY
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-44-06-00014-P	..... exempt	Electric power outages in Northwest Queens by Consolidated Edison Company of New York, Inc.	To review the terms and conditions of the agreement
*PSC-45-06-00007-P	..... exempt	Alleged failure to provide electricity by Robert Andrews	To assess validity of allegations and appropriateness of fines
*PSC-01-07-00031-P	..... exempt	Enforcement mechanisms by National Fuel Gas Distribution Corporation	To modify enforcement mechanisms
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-23-08-00009-P	..... exempt	The transfer of certain real property with an original cost under \$100,000 in the Town of Throop	To consider the filing for the transfer of certain real property in the Town of Throop
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-25-10-00015-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2009	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2009
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-31-10-00007-P	..... exempt	Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of "outside directors"	To consider the waiver of the requirement that a majority of NMPC Board of directors consist of "outside directors"

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-12-11-00008-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2010	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2010
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-13-11-00007-P	..... exempt	Budget allocations and use of System Benefits Charge funds to pay State Cost Recovery Fee	To encourage cost effective gas and electric energy conservation in the State

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-16-11-00011-P	..... exempt	The Energy Efficiency Portfolio Standard	To promote gas and electricity energy conservation programs in New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-23-11-00018-P	..... exempt	NYSERDA's energy efficiency program for low-income customers	To promote energy conservation in New York State
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-51-11-00010-P	..... exempt	The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program	Petitioners request that the TRC test and/or its application to measures should be revised
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00019-P	..... exempt	EEPS programs administered by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation	To modify the C&I sector by combining multiple approved C&I programs into a single C&I program for each PA
*PSC-19-12-00022-P	..... exempt	Approval of a combined heat and power performance program funding plan administered by NYSEERDA	Modify NYSEERDA's EEPS programs budget and targets to fund the CHP program
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00005-P	..... exempt	EEPS multifamily programs administered by Consolidated Edison Company of New York, Inc.	To redesign the multifamily electric and gas programs and modify the budgets and targets
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-35-12-00014-P	..... exempt	To implement an abandonment of White Knight's water system	To approve the implementation of abandonment of White Knight's water system
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-17-13-00008-P	..... exempt	Provision of historical utility pricing information for comparison purposes for residential ESCO customers	Provision of historical utility pricing information for comparison purposes for residential ESCO customers
*PSC-17-13-00010-P	..... exempt	Provision of historical pricing information for comparison purposes for residential ESCO customers	Provision of historical pricing information for comparison purposes for residential ESCO customers
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00010-P	..... exempt	Permission to write off and eliminate record keeping for regulatory reserves for Pensions and Other Post Retirement Benefits	To allow write off and eliminate record keeping of Pension and Other Post Retirement Benefits Reserves
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-37-13-00007-P	..... exempt	Dissolution of Garrow Water Works Company, Inc..	To allow for the dissolution of Garrow Water Works Company, Inc.
*PSC-39-13-00010-P	..... exempt	NY-Sun initiative within the Customer-Sited Tier of the RPS Program.	To increase the statewide adoption of customer sited photovoltaic solar generation through the NY-Sun Initiative.
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-04-14-00005-P	..... exempt	National Fuel Gas Corporation's Conservation Incentive Programs.	To modify National Fuel Gas Corporation's Non-Residential Conservation Incentive Program.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDfC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-16-14-00016-P	..... exempt	Waiver of Commission regulations governing termination of service.	Consider United Water New York Inc.'s proposal to expand termination of service provisions.
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-19-14-00018-P	..... exempt	Uniform System of Accounts, deferral of an expense item	Authorization of a deferral for an expense item beyond the end of the year in which it was incurred
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas meter for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00010-P	..... exempt	Petitioner requests an order authorizing its participation in the next Main Tier solicitation offered under the RPS Program.	To enable continued operation of a 21 MW biomass fueled electric generating facility in Chateaugay, New York.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00017-P	..... exempt	Existing ratemaking and rate design practices will be revised with a focus on outcomes and incentives.	To use the Commission's ratemaking authority to foster a DER-intensive system.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00025-P	..... exempt	Allocation of uncommitted Technology and Market Development Funds to the Combined Heat & Power Performance Program.	To consider allocation of uncommitted Technology & Market Development Funds to the Combined Heat & Power Performance Program.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive, Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-34-14-00009-P	..... exempt	Whether to approve the Quadlogic S10N residential submeter.	Approval of the Quadlogic S10N Smart Meter for use in residential electric submetering is required by 16 NYCRR Parts 93 and 96.
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-36-14-00010-P	..... exempt	The procurement of Main Tier renewable resources will become the responsibility of the State's electric utilities.	To ensure the development of large-scale renewables in New York State to promote fuel diversity and reduce carbon emissions.
*PSC-36-14-00011-P	..... exempt	To defer pension settlement losses associated with retirements in the year ended March 31, 2014.	To resolve the ratemaking of the pension settlement loss.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00018-P	..... exempt	New electric utility demand response tariffs may be adopted.	To develop mature DER markets by enabling the development and use of DR as an economic system resource.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff' s electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00009-P	..... exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-10-15-00009-P	..... exempt	Contingency Tariffs regarding demand response issues	To consider Contingency Tariffs regarding demand response issues
*PSC-12-15-00007-P	..... exempt	The Annual Reconciliation of Gas Expenses and Gas Cost Recoveries codified at Title 16 NYCRR Section 720.6.5	Examine the Annual Reconciliation of Gas Expenses and Gas Cost Recoveries mechanism
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00004-P	..... exempt	Rehearing of the Commission's Order Adopting Regulatory Policy Framework and Implementation Plan	Consideration of a petition for rehearing
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-20-15-00006-P	..... exempt	Implementation of the proposed Microgrid Business Model as a reliability and demand management resource	Consider implementation of the proposed Microgrid Business Model as a reliability and demand management resource
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-27-15-00014-P	..... exempt	Authorization for NYAW to accrue interest on internal reserve debit balances	To allow NYAW to accrue interest on internal reserve debit balances
*PSC-29-15-00018-P	..... exempt	Approval of ratemaking related to amendment a certificate of public convenience and necessity	To approve or reject the ratemaking aspects of SLG's petition to amend its certificate of public convenience and necessity
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-32-15-00012-P	..... exempt	Proposed standards for Commission oversight of Distributed Energy Resource suppliers.	To consider proposed standards for Commission oversight of Distributed Energy Resource suppliers.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-38-15-00008-P	..... exempt	Notice of Intent to submeter electricity	To consider the request of Community Counseling and Mediation to submeter electricity at 226 Linden Blvd., Brooklyn, New York
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-41-15-00005-P	..... exempt	Intergrow disputes National Grid's revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Intergrow for the new interconnection is appropriate
*PSC-41-15-00009-P	..... exempt	Main Tier of the Renewable Portfolio Standard program	To consider allocating funding from the Main Tier to an eligible hydroelectric facility
*PSC-41-15-00011-P	..... exempt	Deferral of incremental costs incurred in 2014 associated with increased gas leak response and repair activities	To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-44-15-00030-P	..... exempt	System Improvement Plan mechanism	To consider Bath's petition to implement a SIP mechanism
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00010-P	..... exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-49-15-00009-P	..... exempt	Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation	To consider a Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00002-P	..... exempt	Revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Tiashoke for the upgraded service is appropriate
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00011-P	..... exempt	Investigation that certain practices of Central Hudson Gas and Electric Corporation resulted in violations of HEFPA.	To consider the Petition of Nobody Leaves Mid-Hudson to investigate Central Hudson for claims of HEFPA violations.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00007-P	..... exempt	Transfer of water supply assets.	To consider the sale of water supply assets of Northeast Water Services to Suez Water Owego-Nichols, Inc.
*PSC-06-16-00010-P	..... exempt	Lakewood disputes National Grid's revenue assurance calculations, specifically the duration used.	To consider whether the revenue assurance National Grid is requiring of Lakewood for the new interconnection is appropriate.
*PSC-06-16-00012-P	..... exempt	Inclusion of a Farm and Food Community program in the community distributed generation program.	To consider the inclusion of a Farm and Food Community program in the community distributed generation program.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-07-16-00016-P	..... exempt	Use of the Electro Industries Shark 200 electric submeter in residential applications	To consider the use of the Electro Industries Shark 200 submeter
*PSC-11-16-00017-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 140 West Street Condominium to submeter electricity at 100 Barclay Street, New York, NY
*PSC-12-16-00004-P	..... exempt	The option to opt out of using an AMR device, and substitute an electro-mechanical meter, at no additional charge	To consider the option to opt out of using an AMR device, and substitute an electro-mechanical meter, at no additional charge

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-16-00007-P	..... exempt	Deferral of incremental costs incurred in 2015 associated with increased gas leak response and repair activities	To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities
*PSC-12-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of Promenade Global LLC to submeter electricity at 150 West 225th Street, Bronx, New York.
*PSC-13-16-00009-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of Franklin Place Condominium to submeter electricity at 5 Franklin Place, New York, New York
*PSC-14-16-00007-P	..... exempt	Regulation of customer name changes on pending interconnection applications for grandfathered projects.	To consider regulation of customer name changes on pending interconnection applications for grandfathered projects.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-15-16-00012-P	..... exempt	Adequate service of Verizon New York, Inc.	To consider the adequacy of Verizon New York Inc.'s service quality
PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
PSC-20-16-00009-P	..... exempt	Standards for affiliate relationships.	To consider whether to permit the expansion of employees who are permitted to perform services on behalf of affiliates.
PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
PSC-22-16-00011-P	..... exempt	Petition for rehearing of the Order Modifying Standardized Interconnection Requirements and alternative enforcement mechanisms.	To ensure compliance with the Standardized Interconnection Requirements.
PSC-22-16-00013-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-23-16-00009-P	..... exempt	Transfer of assets and dissolution of Birch Hill Water Company Inc.	To consider the transfer of assets and dissolution of the Birch Hill Water Company Inc.
PSC-24-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 220 Central Park South, New York, New York.
PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
PSC-25-16-00018-P	..... exempt	Proposed Community Choice Aggregation Data Security Agreement.	To ensure appropriate consumer protections in Community Choice Aggregation programs.
PSC-25-16-00019-P	..... exempt	Revision of customer service metrics.	To consider revisions to customer service metrics previously approved by the Commission.
PSC-25-16-00023-P	..... exempt	Use of the Elster Solutions Energy Axis transponder.	To consider the use of the Elster Solutions Energy Axis transponder.
PSC-25-16-00024-P	..... exempt	Pole Attachment Rules.	To determine that the Commission's existing pole attachment rules apply to wireless providers.
PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
PSC-28-16-00015-P	..... exempt	Major water rate filing.	To consider a proposal to increase revenues by approximately \$8.49 million or 8.3% and consolidate tariffs and rates.
PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
PSC-29-16-00023-P	..... exempt	Use of the Silver Spring Network Residential Gas Interface Management Unit - IMU 300 and IMU 300A.	To consider the use of the Silver Spring Network Residential Gas Interface Management Unit - IMU 300 and IMU 300A.
PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
PSC-29-16-00025-P	..... exempt	Proposed modifications to gas safety violations metric adopted in Case 12-G-0202.	To consider NMPC's petition to modify gas safety violations metric.
PSC-30-16-00007-P	..... exempt	The Municipal Electric and Gas Alliance's Community Choice Aggregation Implementation Plan	To ensure appropriate consumer protections
PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-33-16-00001-EP	08/17/17	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
PSC-33-16-00003-P	exempt	Use of the Silver Spring Network communication device in utility metering applications.	To consider the use of the Silver Spring Network communication device.
PSC-33-16-00005-P	exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
PSC-34-16-00005-P	exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00006-P	exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00008-P	exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00009-P	exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00010-P	exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00011-P	exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00012-P	exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00013-P	exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00015-P	exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-35-16-00015-P	exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
PSC-36-16-00003-P	exempt	Petition regarding the Commission's July 14, 2016 Order Denying Petition.	To consider the terms and conditions of utility service received by Fastrac Markets, LLC.
PSC-36-16-00004-P	exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
PSC-36-16-00005-P	exempt	Disposition of tax refunds received by New York American Water Company, Inc.	To determine the disposition of tax refunds and other related matters.
PSC-37-16-00014-P	exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 301 East 61st Street, New York, New York.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-37-16-00015-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 10 Sullivan Condominium to submeter electricity at 10 Sullivan Street, New York, New York.
PSC-38-16-00006-P	..... exempt	Request for waiver of the individual metering requirements of Opinion 76-17 and 16 NYCRR Part 96	To consider the request for waiver of the individual metering requirements of Opinion 76-17 and 16 NYCRR Part 96
PSC-39-16-00028-P	..... exempt	Consolidated Edison Company of New York, Inc.'s replevin acts and practices.	To review Consolidated Edison Company of New York, Inc.'s replevin acts and practices.
PSC-39-16-00029-P	..... exempt	Minor rate filing.	To consider an increase in annual revenues of about \$158,709 or 20%.
PSC-40-16-00013-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
PSC-40-16-00014-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
PSC-40-16-00015-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 175 Huguenot Street, New Rochelle, New York.
PSC-40-16-00016-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 301 East 50th Street, New York, New York.
PSC-40-16-00017-P	..... exempt	Request for waiver of 16 NYCRR sections 96.5(a) and 96.6(b)	To consider the request for waiver of 16 NYCRR sections 96.5(a) and 96.6(b)
PSC-40-16-00018-P	..... exempt	Petition for commercial electric meter.	To consider the petition to use the Itron OpenWay Riva commercial meter in electric metering applications.
PSC-40-16-00019-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
PSC-40-16-00020-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 501 Broadway Troy, LLC to submeter electricity at 501 Broadway, Troy, New York.
PSC-40-16-00021-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
PSC-40-16-00023-P	..... exempt	Major gas rate filing.	To consider an increase in Corning's gas delivery revenues of approximately \$5.9 million or 44.7%.
PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
PSC-40-16-00026-P	..... exempt	Compliance filing establishing an interruptible gas service sales rate.	To consider RG&E's proposed revisions to establish an interruptible gas service sales rate.
PSC-42-16-00014-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-43-16-00003-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of Haus LLC to submeter electricity at 152 Freeman Street, Brooklyn, New York.
PSC-44-16-00015-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs	To consider a surcharge to recover costs of the Dynamic Load Management Programs
PSC-44-16-00018-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 325 Kent Avenue, Brooklyn, New York
PSC-45-16-00008-P	..... exempt	Petition to use a commercial electric meter.	To consider the petition to use the Landis+Gyr S4X Commercial Meter with Gridstream Series 5 RF Mesh IP AMI.
PSC-45-16-00009-P	..... exempt	Petition to use a residential gas meter.	To consider the petition to use the Elster/American AT210TC gas meter in residential applications.
PSC-45-16-00010-P	..... exempt	Petition to use a residential gas meter.	To consider the petition to use the Sensus RT230TC temperature compensated gas meter in residential applications.
PSC-45-16-00011-P	..... exempt	Petition to use a residential electric meter.	To consider the petition to use the Landis+Gyr Focus AXe Meter with Gridstream Series 5 RF Mesh IP AMI.
PSC-45-16-00012-P	..... exempt	Disposition of property tax benefits.	To consider the disposition of property tax benefits.
PSC-45-16-00014-P	..... exempt	Disposition of property tax benefits.	To consider the disposition of property tax benefits.
PSC-45-16-00015-P	..... exempt	Arbor Hills Water Works Inc.'s rates for the provision of water.	To consider an increase in Arbor Hills Water Works Inc.'s annual water revenues by approximately \$36,500 or 45%.
PSC-45-16-00016-P	..... exempt	Boniville Water Company Inc.'s rates for the provision of water.	To consider an increase in Boniville Water Company Inc.'s annual water revenues by approximately \$25,000 or 45%.
PSC-45-16-00017-P	..... exempt	Knolls Water Co., Inc.'s rates for the provision of water.	To consider an increase in Knolls Water Co., Inc.'s annual water revenues by approximately \$26,600 or 45%.
PSC-45-16-00018-P	..... exempt	Proposed water supply agreement between NYAW and Glen Cove.	To consider the proposed water supply agreement between NYAW and Glen Cove.
PSC-46-16-00013-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of Hudson Cornell Tech LLC, to submeter electricity at 1 East Loop Road, New York, New York.
PSC-46-16-00014-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 846 6th Avenue Venture, to submeter electricity at 50 West 30th Street, New York, New York.
PSC-46-16-00015-P	..... exempt	The eligibility of street lighting and area lighting accounts for remote net metering.	Consideration of eligibility for remote net metering.
PSC-46-16-00018-P	..... exempt	Con Edison's proposed pilot shared solar program for low-income customers.	Consideration of the authorization and appropriate design of a utility-owned low-income shared solar program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
PSC-47-16-00011-P	..... exempt	Petition to use residential electric meters	To consider the petition of Itron, Inc. to use the Itron C2SRD and CN2SRD in residential electric meter applications
PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
PSC-49-16-00003-P	..... exempt	Stock Acquisition.	To consider the transfer of all S&S Rhinebeck Water-Works Corporation stock to RIC Rhinebeck and MHMG-KM Rhinebeck.
PSC-49-16-00004-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-49-16-00005-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-49-16-00006-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-49-16-00007-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-50-16-00004-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 27-19 44th Drive, Long Island City, New York, and waiver request
PSC-50-16-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 2 North 6th Place Owner, LLC, to submeter electricity at 2 North 6th Place, Brooklyn, NY
PSC-51-16-00008-P	..... exempt	Petition to submeter electricity.	To consider the petition of 172 Madison Condominium to submeter electricity at 172 Madison Avenue, New York, New York.
PSC-51-16-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 111 Murray Street Condominium, to submeter electricity at 111 Murray Street, New York, NY.
PSC-52-16-00003-P	..... exempt	Transfer of controlling interest and associated financial transactions.	To consider the transfer of controlling interest and associated financial transactions.
PSC-52-16-00004-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-52-16-00005-P	..... exempt	Lease of real property.	To consider NYSEG's request to lease a portion of certain real properties located throughout New York State.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-52-16-00007-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-01-17-00018-P	..... exempt	The addition of Company-owned LED options under SC No. 1 - Street Lighting Service	To consider the addition of Company-owned LED lighting options for customers served under SC No. 1
PSC-01-17-00021-P	..... exempt	Petition for clarification	To consider the petition for clarification of the Order Authorizing Submetering, Ordering Clause 4
PSC-01-17-00022-P	..... exempt	The addition of Company-owned LED options under SC No. 3 - Standard Street Lighting Service	To consider the addition of Company-owned LED lighting options for customers served under SC No. 3
PSC-01-17-00023-P	..... exempt	Transfer of certain pipeline facilities and applicability of Public Service Law (PSL) Article 4	To consider a request to transfer certain pipeline facilities and a declaration regarding application of the PSL
PSC-02-17-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 416 Kent Avenue, Brooklyn, NY and 420 Kent Avenue, Brooklyn, NY.
PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
PSC-03-17-00003-P	..... exempt	Good Energy, L.P.'s Community Choice Aggregation Implementation Plan and Data Protection Plan.	To ensure appropriate consumer protections.
PSC-03-17-00005-P	..... exempt	Initial Tariff Schedule which includes rates, charges, rules and regulations for water service.	To consider the proposed Initial Tariff Schedule and initial rate for water service.
PSC-03-17-00006-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of West 30th HL LLC to submeter electricity at 520 West 30th Street, New York, New York.
PSC-03-17-00008-P	..... exempt	Petition to submeter electricity.	To consider the petition to submeter electricity at 33 Bond Street, Brooklyn, New York and the request for waiver of 16 NYCRR.
PSC-04-17-00010-P	..... exempt	The inclusion of interest in a payment compensating developer for work performed in preparation for electric service	To consider whether to include interest in the calculation of the amount owed in compensation
PSC-05-17-00002-P	..... exempt	Minor rate filing.	To consider an increase in annual revenues of about \$1,526,480 or 8.44%.
PSC-05-17-00004-P	..... exempt	Petition to submeter electricity.	To consider the petition to submeter electricity at 336 Himrod Street, Brooklyn, New York and waiver request of § 96.5(k)(3).
PSC-06-17-00004-P	..... exempt	Waiver to permit National Fuel Resources, Inc. to serve low-income customers	To consider the Petition for a waiver
PSC-06-17-00005-P	..... exempt	Waiver and rates for Saratoga Water Services, Inc. to provide water service to GLOBALFOUNDRIES U.S. Inc.	To consider the waiver and rates for Saratoga Water Services, Inc. to provide water service to GLOBALFOUNDRIES U.S. Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-06-17-00006-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-06-17-00007-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-06-17-00008-P	..... exempt	Waiver to permit Ambit New York, LLC to serve low-income customers.	To consider the Petition for a waiver.
PSC-06-17-00010-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of VillaBXV Condominium to submeter electricity at 15 Kensington Road, Bronxville, New York.
PSC-06-17-00011-P	..... exempt	A waiver to permit Zone One Energy LLC to serve low-income customers.	To consider the Petition for a waiver.
PSC-06-17-00013-P	..... exempt	Extension of the Brooklyn/Queens Demand Management Program.	To extend the Brooklyn/Queens Demand Management Program.
PSC-07-17-00011-P	..... exempt	Petition to submeter electricity	To consider the petition of One West End Avenue Condominium to submeter electricity at 1 West End Avenue, New York, New York
PSC-07-17-00012-P	..... exempt	Implementation program rules for the Renewable Energy Standard (RES) and Zero-Emission Credit (ZEC) requirement	To promote and maintain renewable and zero-emission electric energy resources
PSC-07-17-00013-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	To consider a waiver and approval of terms of a service agreement
PSC-07-17-00014-P	..... exempt	Petition for rehearing of the December 16, 2016 Order with respect to rate proceedings in Cases 16-G-0058 and 16-G-0059	To consider the petition for rehearing of the December 16, 2016 Order
PSC-07-17-00015-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on Spark for its apparent non-compliance with Commission requirements
PSC-07-17-00016-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	To consider a waiver and approval of terms of a service agreement
PSC-07-17-00017-P	..... exempt	Disposition of tax refunds and other related matters	To consider the disposition of tax refunds and other related matters
PSC-07-17-00019-P	..... exempt	Deferral and recovery of incremental costs	To consider deferring costs related to water main leak repairs for subsequent recovery
PSC-07-17-00020-P	..... exempt	Notice of Intent to submeter electricity and request for a waiver of 16 NYCRR § 96.5(k)(3)	To consider the Notice of Intent to submeter electricity at 988 East 180th St., Bronx, NY and waiver request of § 96.5(k)(3)
PSC-08-17-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 327 Central Park West, New York, New York.
PSC-08-17-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 45 East 22nd Street, New York, New York.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-09-17-00005-P	..... exempt	Notice of Intent to submeter electricity and waiver request of energy audit requirement	To consider the Notice of Intent to submeter electricity at 2351-2359 Adam Clayton Powell Jr. Blvd., NY, NY and waiver request
PSC-09-17-00006-P	..... exempt	Waiver of incremental metering costs associated with Voluntary Time of Use (VTOU) rates	To waive the incremental \$3.36 per month customer charge for certain VTOU rate customers
PSC-09-17-00007-P	..... exempt	Petition to submeter electricity	To consider the petition of 587-91 Third Owner LLC to submeter electricity at 591 Third Avenue, New York, New York
PSC-09-17-00008-P	..... exempt	Petition to submeter electricity	To consider the petition of Red Hook 160, LLC to submeter electricity at 160 Imlay Street, Brooklyn, New York
PSC-09-17-00009-P	..... exempt	Extension of an outstanding loan's repayment schedule	To consider the extension of an outstanding loan's repayment schedule
PSC-11-17-00006-P	..... exempt	Use of the Itron 100W+, to collect and transmit meter data, in water metering applications.	To consider the use of the Itron 100W+, to collect and transmit meter data in water metering applications.
PSC-11-17-00007-P	..... exempt	Minor rate filing.	To consider an increase in annual revenues of about \$395,756, or 5.3%.
PSC-11-17-00008-P	..... exempt	Effectuate amendments to 49 CFR Part 192 mandated by the Pipeline and Hazardous Materials Safety Administration.	To consider revisions to its gas tariff schedule regarding the installation of excess flow valves.
PSC-11-17-00009-P	..... exempt	Petition to submeter electricity.	To consider the petition of 8th and C HDFC to submeter electricity at 334 East 8th Street, New York, New York.
PSC-11-17-00010-P	..... exempt	Permit the export of electricity discharged by battery storage systems during demand-response events under the BQDM Program.	To consider revising General Rule 8.3 - Generating Facilities Used on an Emergency Basis for Export.
PSC-11-17-00011-P	..... exempt	Proposed transfers of property interests between APGI and Arconic Inc. and incidental regulation of water-works corporation.	To consider proposed transfers of property interests and incidental regulation of water-works corporation.
PSC-11-17-00012-P	..... exempt	Enter into a long-term loan agreement with the EFC.	To consider HCHA's petition to enter into a long-term loan agreement with the EFC and establish a surcharge mechanism.
PSC-12-17-00012-P	..... exempt	Amendments to the UBP.	To consider amendments to the UBP.
PSC-12-17-00014-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 1501 Voorhies Avenue, Brooklyn, New York.
PSC-12-17-00017-P	..... exempt	Amendments to the UBP.	To consider the petition for amendments to the UBP.
PSC-13-17-00003-P	..... exempt	Rehearing of Commission's January 25, 2017 Order Approving Electric and Gas Rate Plans in Cases 16-E-0060 and 16-G-0061.	To consider Petitions for Rehearing regarding certain metering costs as addressed in Cases 16-E-0060 and 16-G-0061.
PSC-13-17-00004-P	..... exempt	Notice of Intent to submeter electricity and request for waiver of energy audit.	To consider the Notice of Intent to submeter electricity and request for waiver of energy audit.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-13-17-00005-P	..... exempt	Transfer of certain street lighting facilities located in the City of Middletown.	To consider the transfer of certain street lighting facilities from Orange and Rockland Utilities, Inc. to City of Middletown.
PSC-13-17-00007-P	..... exempt	Petition for rehearing of the Rate Plan Order.	To consider the petition for rehearing of the Rate Plan Order.
PSC-13-17-00008-P	..... exempt	Petition for rehearing of the Rate Plan Order.	To consider the petition for rehearing of the Rate Plan Order.
PSC-13-17-00009-P	..... exempt	Petition for rehearing and clarification of the Rate Plan Order.	To consider the petition for rehearing and clarification of the Rate Plan Order.
PSC-13-17-00010-P	..... exempt	Rehearing of Commission's January 25, 2017 Order Approving Electric and Gas Rate Plans in Cases 16-E-0060 and 16-G-0061.	To consider Petitions for Rehearing regarding certain metering costs as addressed in Cases 16-E-0060 and 16-G-0061.
PSC-14-17-00007-P	..... exempt	Temperature for daily contact with DRCs, interruptible temperature in procedures and O&R to follow upstate DRC rules.	To consider waivers adjusting temp., referencing actual temp. in company procedures and allowing O&R to follow upstate rules.
PSC-14-17-00008-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00009-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00010-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00011-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00012-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00013-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00014-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00015-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00016-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs..	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00017-P	..... exempt	Petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.	To consider the petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-14-17-00018-P	..... exempt	Deferral of incremental REV expenses and recovery through its existing Miscellaneous Charge.	Consideration of the incremental REV expense deferral and recovery petition filed by Central Hudson Gas & Electric Corporation.
PSC-14-17-00019-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 94 North 3rd St., Brooklyn, NY and waiver of 16 NYCRR § 96.5(k)(3).
PSC-15-17-00003-P	..... exempt	Pole Attachment Rates.	To consider an update to its pole attachment rate for Cable System Operators and Telecommunication Carriers.
PSC-15-17-00004-P	..... exempt	Rolling Meadows Water Corporation's rates for the provision of water.	To consider increasing the volumetric rate from \$8.57 to \$8.84 and increasing the allowed rate case expense to \$37,000.
PSC-16-17-00004-P	..... exempt	Proposed transfer of assets of Corbin Hill to the Town and dissolution of the Company	To consider the transfer of assets of Corbin Hill to the Town and dissolution of the Company
PSC-16-17-00005-P	..... exempt	Revisions to the Form of Application for Service under General Information Section No. 14	To consider revisions to the Form of Application for Service under General Information Section No. 14
PSC-16-17-00006-P	..... exempt	Revisions to the Form of Application for Service under General Information Section No. 13	To consider revisions to the Form of Application for Service under General Information Section No. 13
PSC-16-17-00007-P	..... exempt	Cancellation of Roosevelt Drive Water Users Association's tariff	To consider the cancellation of Roosevelt Drive Water Users Association's tariff
PSC-17-17-00009-P	..... exempt	Potential revisions to the testing requirement for syngas technologies related to eligibility for the Clean Energy Standard	To promote and maintain renewable and zero-emission electric energy resources
PSC-18-17-00023-P	..... exempt	Second stage rate filing.	To consider an increase in rate year revenues by approximately \$247,086 or 8.24%.
PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
PSC-18-17-00025-P	..... exempt	A petition for rehearing or reconsideration of the Order on Remand Denying Refunds.	To determine whether IPANY and individual pay telephone providers are entitled to refunds from Verizon New York Inc.
PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
PSC-18-17-00027-P	..... exempt	A petition for rehearing or clarification of the March 9, 2017 Order.	To determine appropriate treatment of submetered energy users in community distributed generation programs.
PSC-18-17-00028-P	..... exempt	A petition for rehearing, reconsideration, or clarification of the March 9, 2017 Order.	To determine appropriate treatment of environmental attributes related to distributed energy resources.
PSC-18-17-00029-P	..... exempt	Commission oversight of distributed energy resource suppliers.	To consider proposed standards for Commission oversight of distributed energy resource suppliers.
PSC-18-17-00030-P	..... exempt	Pareto Energy Ltd.'s petition for rehearing.	To consider Pareto's petition for rehearing.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-18-17-00031-P	..... exempt	Notice of Intent to submeter electricity and waiver of energy audit requirement.	To consider the Notice of Intent to submeter electricity at 1328 Fulton Street, Brooklyn, NY and waiver of 16 NYCRR § 96.5(k)(3).
PSC-18-17-00032-P	..... exempt	Application of Gas Safety Metrics to NFGD's 2014 Records and Field audits.	To consider NFGD's appeal of Gas Safety Metrics as applied to NFGD's 2014 Records and Field audits.
PSC-18-17-00033-P	..... exempt	Use of the ROMET AdEM-T volumetric corrector.	To consider the use of the ROMET AdEM-T volumetric corrector.
PSC-18-17-00034-P	..... exempt	Use of the ROMET AdEM-PTZ volumetric corrector.	To consider the use of the ROMET AdEM-PTZ volumetric corrector.
PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
STATE, DEPARTMENT OF			
DOS-14-17-00004-P	..... 05/22/18	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	To amend the existing Uniform Code and to make conforming changes to 19 NYCRR Parts 1264 and 1265
DOS-14-17-00005-P	..... 05/22/18	State Energy Conservation Construction Code (the Energy Code)	To amend the existing Energy Code
STATE UNIVERSITY OF NEW YORK			
SUN-06-17-00003-P	..... 02/08/18	proposed amendments to traffic and parking regulations at SUNY Binghamton	Amend existing regulations to update traffic and parking regulations
SUN-19-17-00005-P	..... 05/10/18	Proposed amendments to traffic and parking regulations at State University College at Plattsburgh	Amend existing regulations to update traffic and parking regulations
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-48-16-00003-P	..... 11/30/17	Division of Taxation and Finance Powers of Attorney	To simplify and expedite the process for filing Powers of Attorney with the Division of Taxation and Finance
TAF-51-16-00002-EP	..... 12/21/17	Metropolitan Transportation Business Tax Surcharge	To provide metropolitan transportation business tax rate for tax year 2017
TAF-09-17-00003-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period April 1, 2017 through June 30, 2017
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-01-17-00002-ERP	..... 01/04/18	Emergency measures for the homeless during inclement winter weather	To mitigate the effects and impact of inclement winter weather on individuals experiencing homelessness
TRANSPORTATION, DEPARTMENT OF			
TRN-10-17-00001-P	..... 03/08/18	The Uniform Code of Bridge Inspection	Define applicability / terms, inspection details, inspector qualifications, reporting, etc.

Action Pending Index**NYS Register/May 10, 2017**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
WORKERS' COMPENSATION BOARD			
WCB-08-17-00010-P	..... 02/22/18	Paid Family Leave	Identify requirements and process for implementation of paid family leave program

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

4th Prime Corp.
500 NE. Spanish River Blvd., #101, Boca Raton, FL 33431
State or country in which incorporated — Florida

777 Partners, LP
c/o Capital Solutions, Inc., 910 Harvest Dr., Suite 105, Blue Bell, PA 19422
Partnership — 777 Partners GP, LLC

ACS Bridgewater, LLC
101 Old Short Hills Rd., Suite PH 1, West Orange, NJ 07052
Partnership — Atkins Medical Sponsor, LLC

Alidade Capital Fund IV, LP
40900 Woodward Ave., Suite 250, Bloomfield Hills, MI 48304
Partnership — Alidade Capital GP IV, LLC

Altair Energy Fund II, LLC
c/o First Republic Investment Management, Inc., 1888 Century Park E, Los Angeles, CA 90067-1702

APEG Capital Reserve Income Fund, LP
3305 Northland Dr., Suite 101, Austin, TX, 78731
Partnership — APEG Capital Reserve Income Fund GP, LLC, general partner

AutoFair Investors L.P.
1477 S. Willow St., Manchester, NH 03103
Partnership — AutoFair, Inc.

Axxia Pharmaceuticals, LLC
2614 W. Medical Hall Rd., Bel Air, MD 21015
State or country in which incorporated — Maryland

Azora Onshore Fund, LP
900 Third Ave., #201-10, New York, NY 10022
Partnership — Azora Capital Advisors LLC

BBH CP UPL Co-Investment LLC
140 Broadway, New York, NY 10005

BBH CP UPL Co-Investment Subsidiary LLC
140 Broadway, New York, NY 10005

Bienville Argentina Opportunities Offshore Fund 2.0, Ltd.
521 Fifth Ave., 35th Fl., New York, NY 10175

Boustead Securities, LLC
898 N. Sepulveda Blvd., #475, El Segundo, CA 90245

Centennial Media LLC
40 Worth St., 10th Fl., New York, NY 10013
State or country in which incorporated — New York

CHC Finance Ltd.
One Capital Place, 3rd Fl., George Town, P.O. Box 1564, Cayman Islands KY1-1110
State or country in which incorporated — Cayman Islands

CHC Group LLC
One Capital Place, 3rd Fl., George Town, P.O. Box 1564, Cayman Islands KY1-1110
State or country in which incorporated — Cayman Islands

Chino Commercial Bancorp
14245 Pipeline Ave., Chino, CA 91710
State or country in which incorporated — California

CNL Strategic Capital, LLC
450 S. Orange Ave., Orlando, FL 32801

Columbia Power Technologies, Inc.
236 E. High St., Charlottesville, VA 22902
State or country in which incorporated — Delaware

Consector Partners, LP
c/o Consector Advisors, LLC, 420 Lexington Ave., Suite 442, New York, NY 10170
Partnership — Consector Advisors, LLC

Corfigo, Inc.
75 Montclair Ave., Montclair, NJ 07042

Cove Residential Holdings LLC
c/o Wharton Capital, 340 Madison Ave., 19th Fl., New York, NY 10173
State or country in which incorporated — Delaware limited liability company

Dad Durham Holdings, LP
255 Alhambra Circle, Suite 760, Coral Gables, FL 33134
Partnership — Dad Durham Holdings GP, LLC

Dalton Kizuna (Offshore Feeder) Fund Ltd.
c/o Dalton Investments, LLC, 1601 Cloverfield Blvd., Suite 5050N, Santa Monica, CA 90404
State or country in which incorporated — Cayman Islands

Dalton Kizuna (US Feeder) Fund LP
c/o Dalton Investments, LLC, 1601 Cloverfield Blvd., Suite 5050N, Santa Monica, CA 90404
Partnership — Dalton Kizuna GP LLC

Douglas Scott Securities, Inc.
1700 Alma Dr., Suite 110A, Plano, TX 75075
State or country in which incorporated — Texas

EF Mining Capital Fund L.P.
c/o Walkers Corporate Limited, 27 Hospital Rd., George Town, Grand Cayman, Cayman Islands KY1-9008
Partnership — EF Mining Capital Fund GP Ltd.

Emergent Capital, Inc.
5355 Town Center Rd., Suite 701, Boca Raton, FL 33486
State or country in which incorporated — Florida

Flint Hills Permian Co-Invest II L.P.
4900 Main St., Kansas City, MO 64112
Partnership — PCM Capital - Permian Co-Invest II LLC

Frontpage Attractions Holdings, LLC
7512 Dr. Phillips Blvd., Suite 50-519, Orlando, FL 32819

FVC1 P, LLC
11911 Freedom Dr., Suite 1080, Reston, VA 20190

Global Return Value Investments, LP
575 Madison Ave., 10th Fl., New York, NY 10022
Partnership — Global Return Fund Management, LLC

Go Club Golf LLC
777 Terrace Ave., Suite 503, Hasbrouck Heights, NJ 07604
State or country in which incorporated — Nevada

Gold Bullion International LLC
750 Third Ave., Suite 702, New York, NY 10017-2700
State or country in which incorporated — New York

Gridiron Energy, LLC
c/o LS Power Group, 1700 Broadway, 35th Fl., New York, NY 10019

Gridiron Energy Feeder I, L.P.
c/o LS Power Group, 1700 Broadway, 35th Fl., New York, NY 10019
Partnership — Gridiron Energy Feeder GP, LLC

Herbert J. Sims & Co., Inc.
2150 Post Rd., Suite 301, Fairfield, CT 06824
State or country in which incorporated — Delaware

Hillcrest Post LLC
12 College Rd., Monsey, NY 10952
State or country in which incorporated — New York

Hines LE Capital Partners LP
2800 Post Oak Blvd., Suite 4800, Houston, TX 77056
Partnership — Hines LE Capital Partners GP LLC

Hudson Housing Tax Credit LXXVI LP
630 Fifth Ave., 28th Fl., New York, NY 10111
Partnership — Hudson GP LXXVI LLC

Hudson Housing Tax Credit LXXVII LP
630 Fifth Ave., 28th Fl., New York, NY 10111
Partnership — Hudson GP LXXVII LLC

IBC Advanced Alloys Corp.
401 Arvin Rd., Franklin, IN 46131-1549
State or country in which incorporated — Canada

IntelliStay CY Tulsa Equity LLC
c/o IntelliStay Hospitality Management LLC, 301 Winding Rd., Old Bethpage, NY 11804
State or country in which incorporated — Delaware limited liability company

Investment Managers Series Trust II
235 W. Galena St., Milwaukee, WI 53212
State or country in which incorporated — Delaware

Kenadyr Mining (Holdings) Corp.
Suite 488, 1090 W. Georgia St., Vancouver, British Columbia, Canada V6E 3V7
State or country in which incorporated — Canada

Lakeside Bancshares, Inc.
4735 Nelson Rd., Lake Charles, LA 70605
State or country in which incorporated — Louisiana

Level SC – Appspace, LLC
Two Grand Central Tower, 140 E. 45th St., 39th Fl., New York, NY 10017
State or country in which incorporated — Delaware limited liability company

LightBay Investment Partners LP
11601 Wilshire Blvd., 11th Fl., Los Angeles, CA 90025
Partnership — LightBay Investment Partners GP LP

LightBay Investment Partners A LP
11601 Wilshire Blvd., 11th Fl., Los Angeles, CA 90025
Partnership — LightBay Investment Partners GP LP

MCA Fund of NY Inc.
6851 Jericho Tpke., Suite 130, Syosset, NY 11791
State or country in which incorporated — New York

MedTech7 LP.
36 Church Lane, Westport, CT 06880
Partnership — MedTech7 GP, LLC

Mewbourne Energy Partners 17-A, L.P.
3620 Old Bullard Rd., Tyler, TX 75201
Partnership — Mewbourne Development Corporation

Mill Green Opportunity Fund IV, LLC
c/o Mill Green Partners, LLC, 3824 Northside Pkwy., Suite 300, Atlanta, GA 30327
State or country in which incorporated — Delaware

Mizuho Securities USA LLC
320 Park Ave., 12th Fl., New York, NY 10022
State or country in which incorporated — Delaware

MLG/PF Seasons Co-Investor LLC
13400 Bishop Lane, Suite 270, Brookfield, WI 53005
State or country in which incorporated — Wisconsin

Montague Street Partners, LP
c/o Montague Street GP, LLC, 215 Sullivan St., Apt. 4E, New York, NY 10012
Partnership — Montague Street GP, LLC

MPH Energy Midco LP
c/o Accordant Energy, LLC, 225 S. Main St., 2nd Fl., Rutland, VT 05701
Partnership — Accordant Energy, LLC

New Media Trader, Inc.
31563 Lindero Canyon Rd., Unit 2, Westlake Village, CA 91361
State or country in which incorporated — Delaware

Oak HC/FT Partners II, L.P.
Three Pickwick Plaza, Greenwich, CT 06830
Partnership — Oak HC/FT Associates II LLC

OnyxPoint Permian Equity LP
c/o Daniel Lavon-Krein, P.C., 601 Lexington Ave., New York, NY 10022-4611
Partnership — OnyxPoint Permian Equity GP LP

OnyxPoint Permian Equity Feeder LLC
c/o Daniel Lavon-Krein, P.C., 601 Lexington Ave., New York, NY 10022-4611

OnyxPoint Permian Equity FF LP
c/o Daniel Lavon-Krein, P.C., 601 Lexington Ave., New York, NY 10022-4611
Partnership — OnyxPoint Global Management UGP LLC

OnyxPoint Permian Preferred LP
c/o Daniel Lavon-Krein, P.C., 601 Lexington Ave., New York, NY 10022-4611
Partnership — OnyxPoint Permian Preferred GP LP

OnyxPoint Permian Preferred Feeder LLC
c/o Daniel Lavon-Krein, P.C., 601 Lexington Ave., New York, NY 10022-4611

Patriot Financial Partners III, L.P.
2929 Arch St., Philadelphia, PA 19104-2868
Partnership — Patriot Financial Partners GP III, L.P.

Pinnacle Natural Resources Offshore, Ltd.
c/o Pinnacle Asset Management, L.P., 712 Fifth Ave., 29th Fl., New York, NY 10019
State or country in which incorporated — Cayman Islands

Potrero Capital Research Partners LP
Two Embarcadero, Suite 420, San Francisco, CA 94111
Partnership — Potrero Capital Research, LLC

Real Wealth Network
1900 Olympic Blvd., Suite 200, Walnut Creek, CA 94596
State or country in which incorporated — Nevada limited liability company

Riverdale Multifamily DST
2901 Butterfield Rd., Oak Brook, IL 60523
State or country in which incorporated — Delaware

Rock Starr LLC
167 County Rd., Reading, MA 01867
State or country in which incorporated — New York limited liability company

Ryan Specialty Group, LLC
180 N. Stetson Ave., Suite 4600, Chicago, IL 60601
State or country in which incorporated — Delaware

SASOF IV LP
848 Brickell Ave., Suite 500, Miami, FL 33131
Partnership — Apollo Aviation Services IV LP

SASOF Offshore IV LP
848 Brickell Ave., Suite 500, Miami, FL 33131
Partnership — Apollo Aviation Services IV LP

SE Bloomington Investors, LLC
350 N. LaSalle St., Suite 800, Chicago, IL 60654
State or country in which incorporated — Delaware limited liability company

SEP Bloomington MOB, LLC
5215 Old Orchard Rd., Suite 160, Skokie, IL 60077
State or country in which incorporated — Delaware

Serrano Gardens IPIRG, LLC
9370 Sky Park Court, #220, San Diego, CA 92123
State or country in which incorporated — Arizona limited liability company

Solar Credits Opportunities Fund III, LLC
33 Irving Place, Suite 1090, New York, NY 10003

T. Rowe Price California Tax-Free Income Trust/T. Rowe Price California Tax-Free Money Fund
100 E. Pratt St., Baltimore, MD 21202
State or country in which incorporated — Maryland

T. Rowe Price International Funds, Inc./T. Rowe Price Dynamic Global Bond Fund
100 E. Pratt St., Baltimore, MD 21202
State or country in which incorporated — Maryland

T. Rowe Price Retirement Funds, Inc./T. Rowe Price Retirement Income 2020 Fund (Portfolio)
100 E. Pratt St., Baltimore, MD 21202
State or country in which incorporated — Maryland

T. Rowe Price State Tax-Free Income Trust/Georgia Tax-Free Bond Fund
100 E. Pratt St., Baltimore, MD 21202
State or country in which incorporated — Maryland

T. Rowe Price State Tax-Free Income Trust/Maryland Short-Term Tax-Free Bond Fund
100 E. Pratt St., Baltimore, MD 21202
State or country in which incorporated — Maryland

T. Rowe Price State Tax-Free Income Trust/Maryland Tax-Free Bond Fund
100 E. Pratt St., Baltimore, MD 21202
State or country in which incorporated — Maryland

T. Rowe Price State Tax-Free Income Trust/Maryland Tax-Free Money Fund
100 E. Pratt St., Baltimore, MD 21202
State or country in which incorporated — Maryland

T. Rowe Price State Tax-Free Income Trust/New Jersey Tax-Free Bond Fund
100 E. Pratt St., Baltimore, MD 21202
State or country in which incorporated — Maryland

T. Rowe Price State Tax-Free Income Trust/Virginia Tax-Free Bond Fund
100 E. Pratt St., Baltimore, MD 21202
State or country in which incorporated — Maryland

Tactical Index Option Fund, LP
15279 N. Scottsdale Rd., Suite B2-215, Scottsdale, AZ 85254
Partnership — Pacini Hatfield Investments, LLC

Texas Citizens Bancorp, Inc.
4949 Fairmont Pkwy., Pasadena, TX 77505
State or country in which incorporated — Texas

Toronado Fund, L.P.
One Sansome St., Suite 1895, San Francisco, CA 94104
Partnership — Toronado Capital Management, LLC

Toronado Offshore Fund, Ltd.
One Sansome St., Suite 1895, San Francisco, CA 94104
Partnership — Toronado Partners LLC

Torq Resources Inc.
Suite 600, 1199 W. Pender St., Vancouver, British Columbia V6E 3T5,
Canada
State or country in which incorporated — Canada

Trail Creek West, LLC
970 W. Broadway, #446, Jackson, WY 83001
State or country in which incorporated — Idaho

TZP Capital Partners III, L.P.
c/o TZP Group, LLC, 7 Times Square, Suite 4307, New York, NY
10036
Partnership — TZP Capital Partners GP III, L.P.

TZP Capital Partners III-A (Blocker), L.P.
c/o TZP Group, LLC, 7 Times Square, Suite 4307, New York, NY
10036
Partnership — TZP Capital Partners GP III, L.P.

VC CPL Holdings Limited
55 St. James's St., London, United Kingdom SW1A 1LA

Vestar Capital Partners VII, L.P.
245 Park Ave., 41st Fl., New York, NY 10167
Partnership — Vestar Associates VII, L.P.

Vestar Capital Partners VII-A, L.P.
245 Park Ave., 41st Fl., New York, NY 10167
Partnership — Vestar Associates VII, L.P.

Vestar Executives VII, L.P.
245 Park Ave., 41st Fl., New York, NY 10167
Partnership — Vestar Associates VII, L.P.

Vince Select Fund, LP
The Chrysler Bldg., 405 Lexington Ave., 26th Fl., New York, NY
10174
Partnership — Vince Prime GP, LLC

Vista Equity Endeavor Fund I, L.P.
c/o Vista Equity Partners, 1111 Broadway, Suite 1980, Oakland, CA
94607
Partnership — Vista Equity Endeavor I GP, L.P.

Whitefort Capital Fund, LP
641 Lexington Ave., Suite 1530, New York, NY 10022
Partnership — Whitefort Capital GP, LLC

Whitefort Capital Master Fund, LP
c/o Walkers Corporate Limited, Corporate Centre Limited, 27 Hospital
Rd., George Town, Cayman Islands KY1-9008
Partnership — Whitefort Capital GP, LLC

Whitefort Capital Offshore Fund, Ltd.
c/o Walkers Corporate Limited, Corporate Centre Limited, 27 Hospital
Rd., George Town, Cayman Islands KY1-9008
State or country in which incorporated — Cayman Islands

Zebra Global Equity Advantage Fund, LP
612 Wheelers Farms Rd., Milford, CT 06461
Partnership — Zebra Advisors L.L.C.

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE ROOF H

Creedmoor Psychiatric Center
Queens Village, Queens County

Sealed bids for Project No. M3081-C, for Construction Work, Replace Roof H, Building 41, Creedmoor Psychiatric Center, 80-45 Winchester Blvd., Queens Village, (Queens County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, May 17, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$16,200 for C.

All successful bidders on a multiple trade project or the successful bidder on a single trade project will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$100,000 and \$250,000 for C.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and

completion of the Work must be within 55 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on May 4, 2017 at Creedmoor Psychiatric Center, 80-45 Winchester Blvd., Building 73, Queens Village, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Ida Colon (631) 951-0248 Ext. 102.

It is the policy of the State and the Office of General Services to encourage meaningful minority- and women-owned business enterprise participation in this project by contractors, subcontractors and suppliers under the Contract, and all bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By *John D. Lewyckyj*, Deputy Director
OGS - Design & Construction Group

REPAIR DAMPERS

Hutchings Psychiatric Center
Syracuse, Onondaga County

Sealed bids for Project No. Q1682-H, for HVAC Work, Repair Dampers, Buildings 1, 2, 4-6, 10-12, 14-17, Hutchings Psychiatric Center, 620 Madison Street, Syracuse (Onondaga County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, May

17, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$11,900 for H.

All successful bidders on a multiple trade project or the successful bidder on a single trade project will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$100,000 and \$250,000 for H.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 205 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on May 4, 2017 at Hutchings Psychiatric Center, 620 Madison Street, Syracuse, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Traci Shifflet (315) 426-3966.

It is the policy of the State and the Office of General Services to encourage meaningful minority- and women-owned business enterprise participation in this project by contractors, subcontractors and suppliers under the Contract, and all bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call 1-877-647-7526.

For additional information on this project, please use the link below

and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By John D. Lewyckyj, Deputy Director
OGS - Design & Construction Group

REPLACE WINDOWS

Creedmoor Psychiatric Center
Queens Village, Queens County

Sealed bids for Project No. 45339-C, for Construction Work, Replace Windows, 2nd Floor, Building 61, Creedmoor Psychiatric Center, 80-45 Winchester Blvd., Queens Village (Queens County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, May 17, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$20,300 for C.

All successful bidders on a multiple trade project or the successful bidder on a single trade project will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 278 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on May 5, 2017 at Creedmoor Psychiatric Center, Building 73, 80-45 Winchester Blvd., Queens Village, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Ida Colon (631) 951-0248 Ext. 102.

It is the policy of the State and the Office of General Services to encourage meaningful minority- and women-owned business enterprise participation in this project by contractors, subcontractors and suppliers under the Contract, and all bidders are expected to cooperate

in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD’s on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Consolidated Funding Application
2017 Consolidated Funding Application

2017 Consolidated Funding Application

Through the New York State Consolidated Funding Application (CFA), a single application for multiple sources of state funding, New York State is soliciting applications for funding to advance the priorities of the Regional Economic Development Councils (REDC). Funding will be available for the following projects:

- Direct Assistance to Businesses and Other Organizations
- Community Development
- Waterfront Revitalization
- Energy
- Environmental Improvements
- Sustainability Planning and Implementation
- Education/Workforce Development
- Low Cost Financing

This announcement is meant to provide a general overview of the programs included in this year's REDC/CFA competition and does not contain all program requirements and guidelines. Full solicitations, application materials, and details for CFA workshops are available online at www.regionalcouncils.ny.gov. The funding solicitation opens on Monday, May 1, 2017 and applications will be accepted through the CFA until 4:00 pm on Friday, July 28, 2017.

This year, there are over 30 programs available through 12 state agencies, including Empire State Development; NYS Canal Corporation; NYS Energy Research and Development Authority; Environmental Facilities Corporation; Homes and Community Renewal; Department of Labor; New York Power Authority; Office of Parks, Recreation and Historic Preservation; Department of State; Department of Environmental Conservation, Department of Agriculture & Markets, and Council on the Arts. In an effort to provide the most appropriate state resources through this process, participating agencies will be able to review and potentially provide funding to a project that did not specifically apply to that program, if the materials submitted at time of application satisfy the requirements for that program and allow for fair review under the circumstances. In addition, all programs contained in this document will use regional distribution standards to ensure projects are funded throughout the state.

For more information or questions regarding the CFA, please contact the appropriate Regional Council covering the project area:

Capital Region:	CFARegion1@ny.gov
Central New York:	CFARegion2@ny.gov
Finger Lakes:	CFARegion3@ny.gov
Long Island:	CFARegion4@ny.gov
Mid-Hudson:	CFARegion5@ny.gov
Mohawk Valley:	CFARegion6@ny.gov
New York City:	CFARegion7@ny.gov
North Country:	CFARegion8@ny.gov
Southern Tier:	CFARegion9@ny.gov
Western New York:	CFARegion10@ny.gov

Funding is available through the following programs:

2017 Available Resources

Direct Assistance to Business and Other Organizations: Up to \$247.25 million

- **Empire State Development**
 - Up to \$150 million for ESD Grant Funds
 - Up to \$75 million for Excelsior Jobs Program
 - Up to \$1.25 million for Innovation Hot Spot Support Program
 - Up to \$1 million for Strategic Planning and Feasibility Studies
 - Up to \$15 million for Market New York
- **NYS Department of Agriculture and Markets**
 - Up to \$5 million for NYS Grown & Certified Agricultural Producers' Grant Program

Community Development: Up to \$73.1 million

- **New York State Council on the Arts**
 - Up to \$5 million for Arts, Culture and Heritage Projects
 - Up to \$20 million for NYSCA/ESD Arts & Cultural Facilities Improvement Program
- **Homes and Community Renewal**
 - Up to \$20 million for New York State Community Development Block Grant Program
 - Up to \$6.2 million for New York Main Street Program
- **Office of Parks, Recreation and Historic Preservation**
 - Up to \$20 million for Environmental Protection Fund Grants
 - Up to \$1.9 million for Recreational Trails Program (RTP)

Waterfront Revitalization: Up to \$16.2 million

- **Department of State**
 - Up to \$15.2 million for the Local Waterfront Revitalization Program
- **New York State Canal Corporation**
 - Up to \$1 million for the Canalway Grants Program

Energy: Up to \$40 million

- **New York State Energy Research and Development Authority**
 - Up to \$40 million for Energy Efficiency Programs
- **New York State Power Authority**
 - Up to 157MW for the ReCharge NY Program

Environmental Improvements: Up to \$105 million

- **Department of Environmental Conservation**
 - Up to \$3 million for NYS DEC/EFC Wastewater Infrastructure Engineering Planning Grant
 - Up to \$87 million for the Water Quality Improvement Projects (WQIP) Program
- **Environmental Facilities Corporation**
 - Up to \$15 million for the Green Innovation Grant Program

Sustainability Planning and Implementation: Up to \$14 million

- **Department of Environmental Conservation**
 - Up to \$10 million for the Climate Smart Communities Program
- **Department of State**
 - Up to \$4 million for Local Government Efficiency Grants

Education/Workforce Development: Up to \$5 million

- **Department of Labor**
 - Up to \$5 million for Workforce Development

Low Cost Financing: Up to \$300 million

- **Empire State Development**
 - Up to \$300 million for Industrial Development Bond (IDB) Cap

Direct Assistance to Businesses and Other Organizations

Empire State Development Grant Funds

Funding Available: Up to \$150 million

DESCRIPTION:

ESD has \$150 million of capital grant funding from the Regional Council Capital Fund available for the State's Regional Economic Development Council Initiative, which helps drive regional and local economic development across New York State in cooperation with ten Regional Economic Development Councils ("Regional Councils").

Capital grant funding is available for capital-based economic development projects intended to create or retain jobs; prevent, reduce or eliminate unemployment and underemployment; and/or increase business or economic activity in a community or Region.

Grant funding will be allocated among the ten regions, each represented by a Regional Council. Funding decisions will be based on each Regional Council's development and implementation of a five-year strategic plan that sets out a comprehensive vision for economic development and specific strategies to implement that vision, coupled with New York State's economic growth priorities. Funding will be allocated to projects, including priority projects identified by the Regional Councils, identified as significant, regionally supported and capable of stimulating economic investment.

In addition, special consideration shall be given to projects supporting Regional Economic Development Council Opportunity Agenda priorities, Veterans' Related Projects, and Downtown Revitalization Initiative projects.

Funding will be awarded by the New York State Urban Development Corporation (d/b/a Empire State Development) at its discretion.

ELIGIBLE TYPES OF APPLICANTS:

Eligible Applicants include but are not limited to: for-profit businesses, not-for-profit corporations*, business improvement districts, local development corporations, public benefit corporations (including industrial development agencies), economic development organizations, research and academic institutions, incubators, technology parks, municipalities, counties, regional planning councils, tourist attractions and community facilities.

* If awarded funding, prior to ESD Directors' approval and execution of a contract with ESD, a not-for-profit corporation must be registered and up-to-date with filings with the New York State Office of the Attorney General's Charities Bureau and the New York State Office of the State Comptroller's VendRep System and must be prequalified in the New York State Grants Gateway.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

Applicants applying for ESD Grant Funds should clearly describe the scope and budget for the "project" for which funds are being requested. For example, an Applicant may be planning a larger project that would include multiple phases, such as in the case of a major infrastructure project or redevelopment of a specific geographic area. However, the "project" for which funds are being requested via the CFA might consist of only one phase of the larger project. In such situations, the request for ESD Grant funds should be specific to the phase, NOT the overall multi-phase project.

Assistance generally falls into three categories:

1. Business Investment**2. Infrastructure Investment****3. Economic Growth Investment****GRANT FUNDS MAY BE USED FOR:**

- Acquisition of land, buildings, machinery and/or equipment;
- Demolition and environmental remediation;
- New construction, renovation or leasehold improvements;
- Acquisition of furniture and fixtures;
- Soft costs of up to twenty-five percent (25%) of total project costs; and
- Planning and feasibility studies related to a specific capital project or site.

INELIGIBLE ACTIVITIES:

The following types of expenses may be included in budgets but shall not be eligible for reimbursement by grant funds:

- Developer fees;
- Training;
- Residential development, although program funds may only be used for the commercial component of a mixed-use project; and
- Block grant projects or revolving loan funds

ADDITIONAL RESOURCES:

For more information, eligible Applicants should contact the local Empire State Development Regional Office. A complete list of the ESD Regional Offices can be found at <http://esd.ny.gov/RegionalOverviews.html>

Excelsior Jobs Program

Funding Available: Up to \$75 million

DESCRIPTION: The Excelsior Jobs Program, established in Chapter 59 of the Laws of 2010, provides job creation and investment incentives to firms in such targeted industries as biotechnology, pharmaceutical, high-tech, clean-technology, green technology, financial services, agriculture and manufacturing. Firms in these industries that create and maintain new jobs or make significant financial investment are eligible to apply for up to four tax credits. The Program encourages businesses to expand in and relocate to New York while maintaining strict accountability standards to guarantee that businesses deliver on job and investment commitments. Program costs are capped at \$500 million annually to maintain fiscal affordability and ensure that New Yorkers realize a positive return on their investment.

Firms in the Excelsior Jobs Program may qualify for four, fully refundable tax credits. Businesses claim the credits over a multi-year period. To earn any of the following credits, firms must first meet and maintain the established job and investment thresholds.

The Excelsior Jobs Tax Credit: A credit of 6.85 percent of wages per new job to cover a portion of the associated payroll cost.

The Excelsior Investment Tax Credit: Valued at two percent of qualified investments.

The Excelsior Research and Development Tax Credit: A credit of 50 percent of the Federal Research and Development credit up to six percent of eligible research expenditures in NYS.

The Excelsior Real Property Tax Credit: Available to firms locating in certain distressed areas and to firms in targeted industries that meet higher employment and investment thresholds (Regionally Significant Project).

ELIGIBLE TYPES OF APPLICANTS: For-profit business entities including corporations, limited liability companies, partnerships, sole proprietorships.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

Manufacturing: the process of working raw materials into products suitable for use or which gives new shapes, new quality or new combinations to matter which has already gone through some artificial process by the use of machinery, tools, appliances, or other similar equipment. "Manufacturing" does not include an operation that involves only the assembly of components, provided, however, the assembly of motor vehicles or other high value-added products shall be considered manufacturing.

Software Development: the creation of coded computer instructions and includes new media; the application of information technology to traditional communications outlets, particularly through interactive modes such as the Internet, including video games, web search portals, interactive web-based content, and interactive advertising.

Scientific Research And Development: conducting research and experimental development in the physical, engineering, and life sciences, including but not limited to agriculture, electronics, environmental, biology, botany, biotechnology, computers, chemistry, food, fisheries, forests, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary, and other allied subjects. For the purposes of this article, scientific research and development does not include medical or veterinary laboratory testing facilities.

Agriculture: agricultural production (establishments performing the complete farm or ranch operation, such as farm owner-operators, tenant farm operators, and sharecroppers) and agricultural support (establishments that perform one or more activities associated with farm operation, such as soil preparation, planting, harvesting, and management, on a contract or fee basis).

Back Office Operations: a business function that may include one or more of the following activities: customer service, information technology and data processing, human resources, accounting and related administrative functions.

Distribution Center: a large scale facility involving processing, repackaging and/or movement of finished or semi-finished goods to retail locations across a multi-state area.

Music Production: means the process of creating sound recordings of at least eight minutes, recorded in professional sound studios, intended for commercial release. Music Production does not include recording of live concerts, or recordings that are primarily spoken word or wildlife or nature sounds, or produced for instructional use or advertising or promotional purposes.

Entertainment Company: means a corporation, partnership, limited partnership, or other entity principally engaged in the production or post production of (I) motion pictures, which shall include feature-length films and television films, (II) instructional videos, (III) televised commercial advertisements, (IV) animated films or cartoons, (V) music videos, (VI) television programs, which shall include, but not be limited to, television series, television pilots, and single television episodes, or (VII) programs primarily intended for radio broadcast. Entertainment Company shall not include an entity (I) principally engaged in the live performance of events, including, but not limited to, theatrical productions, concerts, circuses, and sporting events, (II) principally engaged in the production of

content intended primarily for industrial, corporate or institutional end-users, (III) principally engaged in the production of fundraising films or programs, or (IV) engaged in the production of content for which records are required under section 2257 of Title 18, United States Code, to be maintained with respect to any performer in such production.

Financial Services: “Financial services data centers or financial services customer back office operations” means operations that manage the data or accounts of existing customers or provide product or service information and support to customers of financial services companies, including banks, other lenders, securities and commodities brokers and dealers, investment banks, portfolio managers, trust offices, and insurance companies.

Life Sciences: means agricultural biotechnology, biogenetics, bioinformatics, biomedical engineering, biopharmaceuticals, academic medical centers, biotechnology, chemical synthesis, image analysis, marine biology, medical devices, medical nanotechnology, natural product pharmaceuticals, proteomics, regenerative medicine, RNA interference, stem cell research, medical and neurological clinical trials, health robotics and veterinary science.

INELIGIBLE ACTIVITIES: A not-for-profit business entity, a business entity whose primary function is the provision of services including personal services, business services, or the provision of utilities, a business entity engaged predominantly in the retail or entertainment industry, other than a business operating as an entertainment company as defined as defined above or a business entity engaged in music production, and a business entity engaged in the generation or distribution of electricity, the distribution of natural gas, or the production of steam associated with the generation of electricity are not eligible to participate in the program.

ADDITIONAL RESOURCES: Program Contact: 518/292-5240
<http://esd.ny.gov/BusinessPrograms/Excelsior.html>

New York State Innovation Hot Spot Support Program

Funding Available: \$1.25 Million

DESCRIPTION

The New York State Innovation Hot Spot Support Program was enacted initially as part of the 2013-14 State Budget and will provide significant continued financial support for business incubators in the state. This underscores the importance of business incubation and technology transfer to the Governor's overall economic development strategy.

Business incubation is the process of accelerating the development of entrepreneurial companies through a structured array of business support resources and services targeted to the needs of start-up companies. The business incubator is the entity responsible for organizing and managing these support services. Innovation Hot Spots are business incubators that are charged with coordinating regional entrepreneurial ecosystems, and can offer certain tax benefits to client businesses.

Empire State Development (ESD) is administering the competitive process for the designation of New York State Innovation Hot Spots. Applications will be received and reviewed through the Consolidated Funding Application (CFA) process by both the Regional Councils and ESD.

In this Round VII competition, ESD anticipates making five Innovation Hot Spot

designations. ESD anticipates that one Innovation Hot Spot will be designated in each of the following economic development regions: Long Island, New York City, Hudson Valley, Capital Region and Mohawk Valley.

Awardees will receive operating funds from ESD to expand and create services. Designation as an Innovation Hot Spot brings significant state income and sales tax benefits for the start-up companies within the Hot Spot, for a period of five years. These benefits¹ include:

- Corporation franchise tax benefit
- Personal income tax benefit; and
- Sales and use tax benefit.

The goal of the program is to improve the quantity and quality of incubator services provided to young companies, thereby enabling these businesses to successfully transition from start-up phase to larger scale commercialization of their products and services. This was one of the strategies laid out by Governor Cuomo to more effectively harness our innovation assets and better serve inventors and entrepreneurs. Importantly, this program will provide ESD with valuable information on the companies that are at the early stage of entry into the state's innovation pipeline.

ELIGIBILITY

- Any entity seeking designation as a New York State Innovation Hot Spot must currently be a business incubator program that has been in existence for three or more years.
- Applicants must provide a strategic plan for their incubator and demonstrate that their services align with industry best practices.
- Applicants must demonstrate how this funding will enable and/or expand services they provide to their tenant clients and demonstrate a 2:1 match of state funds.
- Applicants must demonstrate a strong affiliation with one or more colleges, universities or independent research institutions by providing a Memorandum of Understanding (MOU) describing such affiliation.
- Applicants are strongly encouraged to demonstrate regional partnerships with incubators or organizations assisting entrepreneurs and early stage companies.
- Applicants should demonstrate a track record of transitioning academic research to the marketplace.
- Only applicants within the New York State economic development regions of Long Island, New York City, Hudson Valley, Capital Region and Mohawk Valley will be eligible for a New York Innovation Hot Spot Designation in this round.

FUNDING

Successful applicants will be awarded operating grants to expand the services and programs provided to start-up companies served by the incubator. Up to \$250,000² will be provided annually for five years to entities designated as a New York State Innovation Hot Spot. Five awards are anticipated in this category for CFA Round VII funding.

¹ More information: www.tax.ny.gov/pdf/memos/multitax/m14_1c_1i_2s.pdf

² The funding is reimbursement based.

ESD Strategic Planning and Feasibility Studies**Funding Available: Up to \$1 Million****DESCRIPTION**

ESD's Urban and Community Development Program promotes economic development in the State of New York by encouraging economic and employment opportunities and stimulating development of communities and urban areas. Total program funding of up to \$1 million is available for working capital grants of up to \$100,000 each to support 1) strategic development plans for a city, county, or municipality or a significant part thereof and 2) feasibility studies for site(s) or facility(ies) assessment and planning. Projects should focus on economic development purposes, and preference shall be given to projects located in highly distressed communities. In addition, special consideration shall be given to projects supporting Regional Economic Development Council Opportunity Agenda priorities and Downtown Revitalization Initiative projects. Each grant requires a minimum of 50% of total project costs in matching funds, which should include at least 10% of total project costs in the form of cash equity contributed by the Applicant organization. Funding will be awarded by the New York State Urban Development Corporation (d/b/a Empire State Development) at its discretion.

ELIGIBLE TYPES OF APPLICANTS:

- Cities
- Counties
- Municipalities
- Business Improvement Districts
- Local Development Corporations
- Not-for-profit Economic Development Organizations*

* If awarded funding, prior to ESD Directors' approval and execution of a contract with ESD, a not-for-profit corporation must be registered and up-to-date with filings with the New York State Office of the Attorney General's Charities Bureau and the New York State Office of the State Comptroller's VendRep System and must be prequalified in the New York State Grants Gateway.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

Assistance is available in the following two categories:

- Preparation and development of strategic development plans for a city, county or municipality or a significant part thereof; and
- Studies, surveys or reports, and feasibility studies and preliminary planning studies to assess a particular site or sites or facility or facilities for any economic development purpose other than residential, though mixed-use facilities with a residential component are allowed.

INELIGIBLE ACTIVITIES: For Site Assessment and Site Planning grants:

- Residential development, although program funds may be used for a study involving a mixed-use project.

ADDITIONAL RESOURCES: For more information, eligible Applicants should contact the local Empire State Development Regional Office. A complete list of the ESD Regional Offices can be found at <http://esd.ny.gov/RegionalOverviews.html>.

Market New York**Funding Available: Up to \$15 Million****Description**

Market New York is a grant program established to strengthen tourism and attract visitors to New York State by promoting destinations, attractions and special events. Funding is available for tourism marketing initiatives, capital/construction projects and the recruitment and/or execution of special events, including meetings, conferences, conventions, festivals, agritourism/craft beverage events, athletic competitions and consumer and industry trade shows. The Market New York program and each funded proposal will work to support the long term strategic plans for economic growth as put forth by the Regional Economic Development Councils (REDCs). For the 2017-2018 Fiscal Year, up to \$15 million will be available through *Market New York*.

Funding is available for eligible projects that will create an economic impact by increasing tourism throughout the state. Grant funding will be allocated among the ten (10) REDC regions, based on each REDC's five-year strategic plan that sets out a comprehensive vision for economic development and specific strategies to implement that vision. REDC strategic plan information can be found at: <http://regionalcouncils.ny.gov/>.

There are two categories of funding available under *Market New York*, each with varying requirements. Up to **\$15 million total** is available for the following project categories:

1) Regional Tourism Marketing (Working Capital) - \$7 million;

Working capital includes marketing projects such as advertising, as well as non-capital costs associated with high quality, proven, new-to-the-state tourism special events that build tourism (only minimum requests of \$50,000 or more will be considered); and

2) Tourism Capital- \$8 million;

Tourism Capital includes funds for construction and/or renovation, as well as to purchase fixed assets/equipment for high quality, proven, new-to-the-state tourism special events that build tourism (only minimum requests of \$150,000 or more will be considered).

From the collective \$15 million available through Market NY, at least \$1 million will be awarded for projects around high quality, proven, new-to-the-state tourism special events that build tourism, and \$2 million will be awarded for projects that promote visitation related to agritourism, including but not limited to craft beverage tourism.

*Applicants with projects that include both marketing and capital expenditures will need to clearly indicate that in their CFA application (select both capital and working capital when requested).

ELIGIBILITY REQUIREMENTS

Applicants must complete and submit a Consolidated Funding Application (CFA) which will be reviewed by Empire State Development (ESD) and the REDC for the primary region in which the project is located or Headquarters if there is not one single project location.

Projects must clearly demonstrate in both the CFA application and the project plan that the project is tourism related. Projects that fail to establish a direct tourism impact will be determined ineligible and will not be scored.

Entities that may apply for funding include not-for-profit corporations, municipalities, Tourism Promotional Agencies (TPAs), public benefit corporations and for-profit companies. **Individuals are not eligible to apply for this grant.** Businesses must be certified in New York State. Not-for-

profit corporations are subject to New York State's Not-For-Profit Corporation Law, and must have proof of incorporation (or equivalent document) from the NYS Department of State or NYS Board of Regents, a charities registration number from the NYS Office of the Attorney General and proof of tax-exempt status under the IRS code.

Note to Not-For-Profit Organizations:

Not-for-profit organizations who are successful in receiving grants must meet the following requirements prior to ESD Directors' approval and execution of a Grant Disbursement Agreement or Loan Agreement: 1) be prequalified in New York State Grants Gateway; 2) be registered and up-to-date with filings with the New York State Office of the Attorney General's Charities Bureau; and 3) be registered and up-to-date with the New York State Office of the State Comptroller's VendRep System.

FUNDING CATEGORY INFORMATION

I. Regional Tourism Marketing (Working Capital)

Up to \$7 million

Only minimum requests of \$50,000 or more will be considered.

Applications will be accepted for projects that market New York State regional tourism destinations or attractions. Applicants must demonstrate how the tourism marketing project will promote and forward the tourism goals of the corresponding REDC's strategic plan, in addition to increased visitation or increase spending per visitor.

Successful tourism marketing projects will also complement the goals and strategies of I LOVE NY, namely to make New York State the destination of choice for families looking to create meaningful memories. Special measurement criteria include: increases in room nights, visitor frequency, visitor spending and length of stay. New York State will employ strategies to achieve these goals including television, digital, out-of-home and other advertising, activations at live events, international marketing, public relations efforts, social media engagement and others initiatives.

*Projects developed collaboratively between businesses and tourism promotion agencies (TPA) will be looked upon favorably.

*Please note that it is strongly suggested that applicants include a **project plan** outlining the specifics of the project, the budget and specifically how the grant funds and the grantee equity will be used as well as any other information that the applicant would like to share with the scoring teams. It is also strongly advised that applicants provide information that clearly and specifically addresses the Scoring Criteria listed later in these guidelines. The budget in the project plan should reflect the same total project costs indicated in the budget section of the CFA application.*

II. Regional Tourism Capital

Up to \$8 million

(only minimum requests of \$150,000 or more will be considered)

Applications will be accepted for projects that include plans to expand, construct, restore or renovate New York State tourism destinations and attractions, and for capital projects connected with special events. Applicants must demonstrate how the tourism capital project will work to promote and forward the tourism goals of the corresponding REDC's strategic plan, in addition to increased visitation and visitor spending.

Successful tourism marketing projects will also complement the goals and strategies of I LOVE NY, namely to make New York State the destination of choice for families looking to create meaningful memories.

Special measurement criteria include: increases in room nights, visitor frequency, visitor spending and length of stay. New York State will employ strategies to achieve these goals including television, digital, out-of-home and other advertising, activations at live events, international marketing, public relations efforts, social media engagement and others initiatives.

*Projects developed collaboratively between businesses and tourism promotion agencies (TPA) will be looked upon favorably.

Projects that include a hotel with more than 15 employees as a principal function are required to demonstrate compliance with Section 2879-b of Public Authorities Law regarding labor peace.

*Please note that it is **strongly suggested that applicants include a project plan** outlining the specifics of the project, the budget and specifically how the grant funds and the grantee equity will be used and any other information that the applicant would like to share with the scoring teams. It is also strongly advised that applicants provide information that clearly and specifically addresses the Scoring Criteria listed later in these guidelines. Additionally, the project plan budget should reflect the same expenditures costs and total project costs indicated in the CFA application budget section.*

MORE INFORMATION/ASSITANCE

For more information please contact the New York State Division of Tourism staff at RegionalTourism@esd.ny.gov and/or 518.292.5949.

New York State Grown & Certified Agricultural Producer's Grant Program**Funding Available:** Up to \$5 million**Description**

The New York State Grown & Certified Agricultural Producers' Grant Program (the Program) will provide grants on a competitive basis to eligible applicants (Program Administrator) who will administer a grant program for NYS agricultural producers to meet food safety standards necessary for participation in the New York State Grown & Certified program (NYSG&C). The Program will be administered by the NYS Department of Agriculture and Markets (the Department).

The goals of the Program are to assist NYS agricultural producers with the capital costs of meeting food safety standards and increase participation in the NYSG&C program. Agricultural producers receiving grant funds from the program administrator will be required to participate the NYSG&C program.

Eligible Applicants:

Eligible applicants include: Counties and Municipalities, Local Development Corporations, Regional Development Corporations, Public Benefit Corporations, Industrial Development Agencies, and Not-for-profit corporations. Eligible Applicants will apply for a block grant for the purposes of providing grants to individual agricultural producers. Eligible Applicants will enter into a grant agreement with agricultural producers to complete individual projects.

Funding Available:

A total of \$5 million is available for the Program. A \$500,000 block grant will be awarded to a single entity in each NYS Regional Economic Development Council Region, of which not more than 15% (\$75,000) may be used for program delivery and administration cost directly related to the execution of the program. The NYS Regional Economic Development Councils are identified as follows: Long Island REDC, New York City REDC, Mid-Hudson REDC, Capital District REDC, North Country REDC, Mohawk Valley REDC, Central New York REDC, Southern Tier REDC, Finger Lakes REDC, and Western New York REDC.

Program Administrator Responsibilities:

Program Administrators will be responsible for day to day administration of the Program, including, but not limited to, marketing activities to ensure participation, accepting and evaluating proposals received from agricultural producers, awarding grants, contracting with eligible agricultural producers, ensuring the agricultural producers enrolls in the NY Grown and Certified Program, contract administration, and reporting to The Department as required.

Agricultural Producer Grant Program**Eligible Agricultural Producers**

Agricultural producers located wholly within New York State which produce an agricultural product. Agricultural producers are defined in section 328(2) of the NY Agriculture and Markets Law as a commercial operation that involves land and on-farm buildings, equipment and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products. Agricultural product is defined as any agricultural or aquacultural product of

the soil or water, including but not limited to fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, preserves, maple sap products, apple cider, and fruit.

Eligible Agricultural Producer Projects:

Capital projects that will enable agricultural producers to meet food safety standards necessary for participation in the New York State Grown & Certified program (NYSG&C).

Eligible Costs:

Eligible costs are direct capital costs of meeting food safety standards of the NYSG&C program for the agricultural product(s) produced by the eligible agricultural producer.

1. Machinery and Equipment
2. Construction
3. Acquisition of buildings

Ineligible Costs:

1. Working capital
2. Purchase of land

Community Development

New York State Council on the Arts – Arts and Culture Initiatives

Funding Available: Up to \$5 million

DESCRIPTION:

Funding for arts and culture initiatives is available to eligible non-profit and local units of government through the Regional Economic Development Program (REDC). The New York State Council on the Arts (NYSCA) welcomes applications in FY2018 for requests to REDC categories described below. This Local Assistance support is provided under Article 3 of NYS Arts and Cultural Affairs Law for the planning, presentation and staffing of the performing, literary and visual arts, to encourage broader participation and public interest in the cultural, heritage of the state, and to promote economic development.

NYSCA's REDC Program makes grant awards in all ten of the state's regions. Priority will be given to applicants that have not received NYSCA REDC Program funding in previous years.

All NYSCA's REDC Program funding must be distinct from applications for support already submitted to or currently funded by other NYSCA programs in FY 2018.

GOALS:

Funding opportunities are available through the REDC program for projects designed to enhance and transform the cultural and economic vitality of New York State communities.

Arts and culture activities enrich and strengthen community, civic and social life in New York State. Successful proposals will demonstrate significant economic and community development impact that positions arts, culture and heritage at the core of local development and revitalization efforts.

Through NYSCA's REDC program, arts and cultural projects focused on economic and community development will:

- Develop the arts and culture workforce
- Engage new audiences
- Revitalize neighborhoods
- Generate collaborative projects among non-profit organizations, for-profit entities, artists, and municipal and local government
- Drive and support tourism through events that serve as destinations for regional, national and international visitors
- Enhance resources for communities experiencing poverty, geographic isolation or other barriers to participation in or access to arts and cultural activities

Grant awards will assist communities and organizations in the following ways:

- Attract visitors to experience the cultural assets of the community
- Broaden and encourage public access and participation in arts and culture
- Create new jobs in the arts and culture sector that will increase capacity, impact and efficiency of the organization(s), their programs and operations
- Expand business opportunities by harnessing the power of the creative economy
- Develop new and catalytic initiatives to expand public participation in arts and culture
- Bring public, private, and non-profit sectors together as partners with community members and artists, to strategically enhance local economy and sense of place

ELIGIBLE APPLICANTS AND ACTIVITIES:

The New York State Council on the Arts awards grants to nonprofit organizations either incorporated in or registered to do business in New York State, Indian tribes in New York State, and units of local government in New York State. An organization must have its principal place of business located in New York serving the state's constituents.

Please click here to review the eligibility requirements for all NYSCA applicants:

http://www.arts.ny.gov/public/grants/who_is_eligible.htm

Organizations must be prequalified in Grants Gateway to be considered for funding. Prequalification must be completed by the CFA application deadline. Units of local government and Indian Tribes are exempt from the prequalification requirement. Please click here to register for Grants Gateway and apply for prequalification: <http://www.grantsreform.ny.gov/>

Applicants must meet agency-wide and programmatic evaluative criteria: artistic/programmatic, managerial/fiscal, and outreach/service to the public. Please click here to review the evaluative criteria: http://www.arts.ny.gov/public/grants/funding_criteria.htm

Please note: The Council rarely funds more than 25% of an organization's overall operating budget for the most recently completed fiscal year. This should be taken into consideration when determining an applicant's request amount. Please click here to review general NYSCA funding restrictions: http://www.arts.ny.gov/public/grants/nysca_does_not.htm

An application made to the NYSCA REDC Program **is exempt** from NYSCA's two-grant request limit per applicant per year.

Applicants **may submit only one application** to the NYSCA REDC Program. Organizations **are not** restricted from applying to other NYS agencies' REDC Programs. Please review the resource guide materials for the other agencies thoroughly.

Applicants **may not** request funding for the same project through the FY2018 REDC Program and another FY2018 NYSCA grant program, including activities receiving continuing multi-year funding.

No applicant may apply through a fiscal sponsor.

Proposals involving regranting of funds **are not** eligible for support.

Capital requests for equipment, design, feasibility studies or construction **are not** eligible for support.

FY2017 CATEGORIES OF SUPPORT:

Eligible applicants may submit an application to only **one** the following three REDC categories:

1. Arts and Cultural Impact Programming
2. Workforce Investment
3. Workforce Readiness

CATEGORY DESCRIPTIONS & REQUIREMENTS:**1) Arts and Cultural Impact Programming**

Support is provided for the implementation of new, bold programming initiatives designed to have a measurable economic and community development impact in a community or region. Initiatives developed through partnerships among non-profit, for-profit and government entities will be given priority.

New York State is celebrating two landmark events of great historical significance. The NYSCA REDC Program is supporting arts and culture projects that are inspired by either of these two events and that broadly engage the general public, including temporary programs for art in public places.

- Nonprofit organizations and local units of government may apply in this category
- The Arts and Cultural Impact Programming category is offered as a single-year grant contract
- This category is open only to initiatives that are not part of a current NYSCA FY2018 request and not included in activities receiving continuing multi-year funding

For the FY18 grant cycle funds must be directed in the Arts and Cultural Impact Programming category in any ONE of the following three focus areas:

2) Workforce Investment

Workforce Investment support is designed to expand the capacity of New York State's arts and cultural organizations with operating budgets from the organization's last completed fiscal year that do not exceed \$750,000. Please note there is no limit on the organizational budget size for applications submitted in the Resident Artist focus area.

Grant awards will support ONE expanded staff position or ONE new staff position. Applicants must demonstrate the critical need for the employee and provide a substantial sustainability plan to ensure continued employment after the grant term ends. Positions to be occupied by members of communities underrepresented in arts and cultural professions are encouraged. Applicants should demonstrate how this position will contribute to the organizational goals relating to diversity and inclusion.

- Only nonprofit arts and cultural organizations may apply in this category
- In every case grant funds received can fund a SINGLE position. Applications for multiple positions are ineligible
- The Workforce Investment category is offered as a single-year grant contract
NOTE: One year contract and work period is from January 2018 through December 2018
- This category is open only to initiatives that are not part of a current NYSCA FY2018 request and not included in activities receiving continuing multi-year funding
- **Organizations that have already received REDC Workforce Investment funding are not eligible to apply in this category.**

For the FY18 grant cycle, funds in the Workforce Investment category must be directed toward any ONE of the following focus areas:

3) Workforce Readiness

Workforce Readiness support is designed to prepare emerging professionals for careers in the arts through innovative training, mentoring and professional development programs. A successful Workforce Readiness Program will include one or more of the following: work experiences such

as summer and year-round employment, on-the-job training, apprenticeships, internships and job-shadowing opportunities.

These opportunities must not replace or supplement an applicant organization's existing staff.

Projects involving pathways that incorporate multiple stages in the development of an arts career, including training and exposure in schools or arts organizations, employment and on-going support are welcomed.

At least 35% of the overall proposed program budget must be used to compensate participants for their time as part of the program.

- Only nonprofit arts and cultural organizations may apply in this category
- In every case the grant will cover direct costs associated with the proposed program intended to benefit 2 or more participants as part of the proposed program
- The Workforce Readiness category is offered as a single-year grant contract
NOTE: One-year contract and work period is from January 2018 through December 2018
- This category is open only to initiatives that are not part of a current NYSCA FY2018 request and not included in activities receiving continuing multi-year funding.
- **Organizations that have already received REDC Workforce Readiness funding in this category are not eligible to apply**

For the FY18 grant cycle, funds in the Workforce Readiness must be directed category towards any ONE of the following focus areas:

CONTACT/ADDITIONAL PROGRAM INFORMATION:

Additional Resources: For more information, applicants should contact the New York State Council on the Arts, 300 Park Avenue South, 10th Floor, New York, NY 10010, call (212) 459-8800 or email NYSCA.REDC@arts.ny.gov

Please visit *About NYSCA Grants* at <http://www.arts.ny.gov/public/grants/index.htm> for information on NYSCA's grant process, requirements and evaluative criteria.

NYSCA/ESD Arts & Cultural Facilities Improvement Program

Funding Available: Up to \$20 million

Description

The *Arts & Cultural Facilities Improvement Program* is a capital grant program established to strengthen tourism; promote business development, and improve the quality, efficiency and accessibility of New York State arts and cultural organizations through targeted investments.

Funding is available for, but not limited to, renovations and/or expansions of space(s) that are open to the public; modifications to provide for sustainable, energy efficient spaces that would result in overall cost savings; accessibility renovations; as well as technology and other equipment that would benefit the public. The *Arts & Cultural Facilities Improvement Program* and each funded proposal will work to support the long term strategic plans for economic growth as put forth by the Regional Economic Development Councils (REDCs). For the 2017-2018 Fiscal Year, up to \$20 million will be available through the *Arts & Cultural Facilities Improvement Program*.

Only minimum request amounts of \$500,000 or more will be considered.

Funding is available for eligible projects that include plans to improve the quality, efficiency, and accessibility of arts and cultural organizations within New York State, thereby increasing the economic impact in the corresponding region as a result of increased visitation and visitor spending. . Grant funding will be allocated among the ten (10) REDC regions, based on each REDC's five-year strategic plan that sets out a comprehensive vision for economic development and specific strategies to implement that vision. REDC strategic plan information can be found at: <http://regionalcouncils.ny.gov/>.

ELIGIBILITY REQUIREMENTS

Applicants must complete and submit a Consolidated Funding Application (CFA) which will be reviewed by Empire State Development (ESD), the New York State Council on the Arts (NYSCA) and the REDC for the primary region in which the project is located or headquartered if there is not one single project location.

Applications must clearly demonstrate that the project is related to arts and culture in both the CFA application and the project plan. Projects that fail to establish this focus will be determined ineligible and will not be scored.

Only Not-For-Profit arts and cultural organizations incorporated in NY State or registered to do business in NY State may apply for funding. Not-for-profit corporations are subject to New York State's Not-For-Profit Corporation Law, and must have proof of incorporation (or equivalent document) from the NYS Department of State or NYS Board of Regents, a charities registration number from the NYS Office of the Attorney General and proof of tax-exempt status under the IRS code.

These organizations are not eligible:

- Religious institutions or arts organizations requesting funds for a facility they share with or lease from a religious institution.
- Public school districts, public universities, or state agencies, or arts organizations leasing their facility from such an entity.

Not-for-profit organizations who are successful in receiving grants under this program must meet the following requirements prior to approval and execution of a Grant Disbursement Agreement or Loan Agreement: 1) be prequalified in New York State Grants Gateway; 2) be registered and up-to-date with filings with the New York State Office of the Attorney General's Charities Bureau; and 3) be registered and up-to-date with the New York State Office of the State Comptroller's VendRep System.

If applicable, projects that include a hotel with more than 15 employees as a principal function, are required to demonstrate compliance with Section 2879-b of Public Authorities Law regarding labor peace.

*Please note that it is **required for applicants to include a project plan** outlining the specifics of the project, the budget and specifically how the grant funds and the grantee equity will be used and any other information that the applicant would like to share with the scoring teams. Additionally it should include the following documents as appropriate: architect(s), engineer(s) and other key project contractor resume(s), facility images and/or images of architect(s); further, a fundraising plan for the required 50% cash match. It is also strongly advised that applicants provide information that clearly and specifically addresses the Scoring Criteria listed later in*

these guidelines. Additionally, the project plan budget should reflect the same expenditures costs and total project costs indicated in the CFA application budget section.

Eligible Project Activities

The general purpose of this program is to fund capital expenditures which are defined as: funds spent to acquire/upgrade physical non-consumable fixed assets in order to maintain or increase the scope of operations (e.g. property, renovations/upgrades, building construction, long term assets, etc.).

Therefore, eligible arts and culture costs include, but are not limited to, the following:

- Acquisition of land and/or buildings, new construction, renovation or expansion of leasehold improvements;
- Acquisition of fixed capital equipment;
- Acquisition of fixtures;
- Soft costs of up to 15% of total project costs;
- Design studies related to a specific capital project including conceptual, schematic, design development through construction documents.

Use Restrictions

Ineligible expenses include, but are not limited to, the following:

- developer fees;
- training;
- recapitalization/refinancing;
- expenses reimbursed from any other source or agency;
- food and/or beverages for consumption, including alcoholic beverages;
- legal fees, insurance/liability insurances and / or membership fees;
- any costs incurred for capital costs outside New York State;
- competition prizes, prize money and monies paid to participants;
- in-kind, donated, volunteer services (not reimbursable nor can they be used towards the match);
- fringe benefits (such as health insurance, retirement benefits and other non-mandated benefits);
- wayfinding signage (permanent signage produced to be placed on city, county, state roads);
- operational/overhead expenditures (e.g. rent, utilities, etc.);
- residential development, although program funds may be used for the commercial component of a mixed-use project; and
- other expenses deemed ineligible by ESD/NYSCA.

CONTACT INFORMATION:

Please submit questions to: NYSCA.REDC@arts.ny.gov

Community Development Block Grant Program**Funding Available: Up to \$20 million****Description:**

The Community Development Block Grant (CDBG) Program is a federally funded program authorized by Title I of the Housing and Community Development Act of 1974. The CDBG Program is administered by the Office of Community Renewal (OCR) under the direction of the Housing Trust Fund Corporation (HTFC). For 2017, the OCR may make up to \$20 million available.

NYS CDBG funds provide small communities and counties in New York State with a great opportunity to undertake activities that focus on community development needs such as creating or expanding job opportunities, providing safe affordable housing, and/or addressing local public infrastructure and public facilities issues. The primary statutory objective of the CDBG program is to develop viable communities by providing decent housing and a suitable living environment by expanding economic opportunities, principally for persons of low and moderate income. The state must ensure that no less than 70% of its CDBG funds are used for activities that benefit low- and moderate-income persons. A low- and moderate income person is defined as being a member of a household whose income is less than 80% of the area median income for the household size. A principal benefit to low- and moderate-income persons requires at least 51% of the project beneficiaries to qualify as low- and moderate-income.

Eligible Activities / Program Benefit Requirements:

NYS CDBG applicants must address and resolve a specific community or economic development need within one of the following areas: (1) Public Infrastructure (2) Public Facilities (3) Microenterprise (4) Community Planning.

1) Public Infrastructure

The NYS CDBG Public Infrastructure program consists of two funding activities: drinking water/ clean water/stormwater and public works. Eligible projects for NYS CDBG Public Infrastructure may include the repair or replacement of existing systems, construction of new systems, or expansion of existing systems into areas previously unserved that are in compliance with the NYS Smart Growth Public Infrastructure Act (Chapter 433 of the Laws of 2010) and principally benefit low- and moderate-income persons. Under the Public Infrastructure category, the benefit to low- and moderate-income persons is most commonly achieved through an area benefit. For more information regarding National Objective Compliance, refer to the Application Guidance located on the HCR website: <http://www.nyshcr.org/AboutUs/Offices/CommunityRenewal/FundingOpportunities.htm>.

2) Public Facilities

The NYS CDBG Public Facility program activities include, but are not limited to, structures to house or serve special-needs populations; senior services; child care centers; removal of architectural barriers for the disabled (installing lifts, automatic doors, ramps, etc.); sidewalks; and multi-purpose buildings housing several qualifying activities where benefits are provided principally to low- and moderate-income persons. Removal of architectural barriers is not eligible in new construction. Under the Public Facilities category, the benefit to low- and moderate-income persons is achieved most commonly through a presumed benefit, which is applicable for seniors, the severely disabled, or abused children. National Objective compliance for public facilities can also be met through the Low/Mod Area (LMA) benefit. For more information regarding National Objective Compliance, refer to the Application Guidance located on the HCR website: <http://www.nyshcr.org/AboutUs/Offices/CommunityRenewal/FundingOpportunities.htm>.

3) Microenterprise

The NYS CDBG Economic Development program through the CFA includes Microenterprise activities. Eligible applicants must apply on behalf of the business seeking CDBG funds. Awards are made to the applicant community and not directly to businesses. Eligible uses of NYS CDBG funds include, but are not limited to: financing of machinery, furniture, fixtures and equipment; working capital; inventory; and employee training expenses. Funds awarded under the Microenterprise activity may be used for all other uses, with the exception of construction or other improvements where Davis Bacon and Related Acts apply.

4) Community Planning

The NYS CDBG Planning program consists of two activities: Community Needs Assessments and Preliminary Engineering Reports. Any planning proposal must address an activity which, if implemented, meets at least one of two national objectives under the CDBG program. That is, it must be shown that either 1) at least 51% of the persons who would benefit from implementation of the plan are low- and moderate- income persons, or 2) the plan addresses a slum or blighted area in the community.

Activity Funding Limits:

<u>Public Infrastructure</u>	<i>Maximum</i>
Counties, Towns, Cities or Villages	\$750,000
Joint Applicants	\$900,000
*With NYS Co-Funding Initiative	\$1,000,000
<u>Public Facilities</u>	
Counties, Towns, Cities or Villages	\$300,000
<u>Microenterprise</u>	
Counties, Towns, Cities or Villages	\$200,000
<u>Planning</u>	
Counties, Towns, Cities or Villages	\$50,000

Eligible Types of Applicants:

Eligible applicants are non-entitlement units of general local government (Villages, Cities, Towns or Counties), excluding metropolitan cities, urban counties and Indian Tribes that are designated entitlement communities. Non-entitlement areas are defined as cities, towns and villages with populations of less than 50,000, except those designated principal cities of Metropolitan Statistical Areas, and counties with populations of less than 200,000. The NYS CDBG program does not provide direct financial assistance to businesses. For a list of eligible communities, please visit: <http://www.nyshcr.org/Programs/NYS-CDBG/EligibleCommunities.htm>.

Applicants may submit multiple applications up to the maximum per activity. The total amount requested by the applicant between the two categories of Public Infrastructure and Public Facilities cannot exceed the individuals caps listed above for counties, cities, towns and villages, with the exception of single projects that qualify under the higher threshold as described above. Applicants may request up to the maximums listed for Microenterprise regardless of any applications submitted for other categories of assistance. Applicants may also request up to the maximum listed for Planning regardless of any other applications submitted for any other categories of assistance. However, as noted above, demonstrated capacity to carry out each grant activity in a timely manner is a factor in the application review process, so funding requests should be determined with this in consideration.

Ineligible Activities:

The State CDBG Program deems any activity that is not included in the Housing and Community Development Act of 1974, as amended, ineligible. Generally, CDBG funding cannot be used for projects that involve buildings used for the general conduct of government business, general government expenses, or political activities with the exception of handicapped accessibility improvements to comply with the Americans with Disabilities Act (ADA). In addition, any project that does not present satisfactory evidence of compliance with a national objective will be considered ineligible and will not be considered for funding.

Additional Resources:

For more information, applicants should contact the Office of Community Renewal at New York State Homes and Community Renewal, 38-40 State St, Albany, New York 12207, call (518) 474-2057, email HCR_CFA@nyshcr.org or visit: <http://www.nyshcr.org/AboutUs/Offices/CommunityRenewal/>.

New York Main Street Program

Funding Available: Up to \$6,200,000

Description:

The New York Main Street (NYMS) Program was created by the Housing Trust Fund Corporation (HTFC) in 2004 to provide resources to assist New York's communities with Main Street and downtown revitalization efforts. Article XXVI was added to NYS Private Housing Finance Law in 2009 to formally establish the New York Main Street Program in statute. The NYMS Program is administered by the Office of Community Renewal (OCR) under the direction of the Housing Trust Fund Corporation.

NYMS provides resources to invest in projects that provide economic development and housing opportunities in downtown, mixed-use commercial districts. A primary goal of the program is to stimulate reinvestment and leverage additional funds to establish and sustain downtown and neighborhood revitalization efforts.

Eligible Types of Applicants:

Eligible applicants for NYMS Program applications are Units of Local Government or organizations incorporated under the NYS Not-for-Profit Corporation Law that have been providing relevant service to the community for at least one year prior to application.

Eligible Target Area:

All NYMS activities must be located in an eligible target area. Applicants must clearly identify how the target area meets each of the three components of the statutory definition of an eligible target area. Applications that do not address each of the three statutory criteria, or do not provide clear source documentation will be deemed ineligible. Please note, based on the statutory criteria there are areas within NYS that are not eligible; therefore vague or unclear responses cannot be interpreted to present an eligible target area.

Article XXVI of the Private Housing Finance Law indicates that an eligible target area shall mean an area:

- (i) that has experienced sustained physical deterioration, decay, neglect, or disinvestment;
- (ii) has a number of substandard buildings or vacant residential or commercial units;
- and** (iii) in which more than fifty percent of the residents are persons whose incomes do not exceed ninety percent of the area median income for the county or metropolitan statistical area

(MSA) in which the project is located, or which is designated by a state or federal agency to be eligible for a community or economic development program.

Applicants are encouraged to identify well-defined Main Street areas to maximize the impact that the funds will have on the community. The proposed activities must be carried out in a program target area of generally no more than three contiguous blocks which has experienced sustained physical deterioration, decay, neglect, or disinvestment, and has a number of substandard buildings or vacant residential or commercial units.

Applicants are required to include a Target Area Map to identify the location of the proposed target area.

Eligible Activities:

1. Traditional NYMS Target Area Building Renovation Projects

Applicants may request between \$50,000 and \$500,000 for Target Area Building Renovation Activities. Requests must not exceed an amount that can be reasonably expended in the identified target area, within a 24-month term. Requests generally should not exceed the amount of documented property owner need in the target area.

- **Building Renovation:** Matching grants available for renovation of mixed-use buildings. Recipients of NYMS funds may award matching grants of up to \$50,000 per building, not to exceed 75% of the total project cost in a designated target area. Renovation projects that provide direct assistance to residential units may be awarded an additional \$25,000 per residential unit, up to a per-building maximum of \$100,000, not to exceed 75% of the total project cost.
- **Streetscape Enhancement:** Applicants may request up to \$15,000 in grant funds for streetscape enhancement activities, such as: planting trees, installing street furniture and trash cans, or other activities to enhance the NYMS target area.
 - Streetscape enhancement grant funds will be awarded only for activity ancillary to a traditional NYMS building renovation project and cannot be applied for on its own. NYMS Downtown Anchor or Downtown Stabilization applicants may not request Streetscape funds.
 - Streetscape enhancement activities must be reviewed for eligibility and approved by HTFC prior to commencement of construction or installation.
 - Streetscape activities must be completed within the proposed building renovation target area.

2. NYMS Downtown Anchor Project:

Applicants may request between \$100,000 and \$500,000 for a standalone, single site, “shovel ready” renovation project. The NYMS Downtown Anchor Project funds may not exceed 75% of the Total Project Cost.

NYMS Downtown Anchor Project funds are intended to help establish or expand cultural, residential or business anchors that are key to local downtown revitalization efforts through substantial interior and/or exterior building renovations.

Applicants for NYMS Downtown Anchor Project funds must:

- Document a compelling need for substantial public investment.
- Document project readiness, as evidenced by funding commitments, developer site control, pre-development planning completed, and local approvals secured;
- Provide cost estimates to substantiate the request amount;

- Identify source(s) of available construction financing and matching funds;
- Demonstrate the importance of the project for the neighborhood, community and region;
- Provide a Business Plan and Market Analysis to demonstrate project viability.

3. NYMS Downtown Stabilization Program

Applicants may request \$50,000 to \$500,000 to implement a Downtown Stabilization Program. Funds are available to assist with environmental remediation and associated construction costs, as well as other innovative approaches to stabilizing and developing downtown, mixed-use buildings. NYMS Downtown Stabilization Program funds may not exceed 75% of the total project cost.

NYMS Building Stabilization Project funds are available for projects that meet the goals identified above, including, but not limited to asbestos management (surveys, abatement design plans, air monitoring, etc.), soil vapor intrusion testing and mitigation, building stabilization construction activities (e.g. roof stabilization in conjunction with asbestos remediation) or other projects that identify or mitigate risks associated with other hazardous materials or remove obstacles to future redevelopment. Applicants must demonstrate local program interest and commitments, and may propose assistance to a single property, or multiple properties.

Please contact the Office of Community Renewal at HCR_CFA@nyshcr.org to discuss project eligibility prior to submitting an application.

New York Main Street (NYMS) Program Ineligible Activities

Please note: Applicants are encouraged to focus their efforts on one project type. For this reason, NYMS Downtown Anchor Project funds may not be requested in addition to a NYMS Target Area Building Renovation Program. NYMS Downtown Anchor Project funds are intended for standalone, single site, “shovel ready” renovation projects.

Ineligible uses of NYMS funds include, but are not limited to: demolition; new construction; improvements to structures owned by religious or private membership organizations; improvements to municipally-owned buildings used for municipal purposes; the purchase of non-permanent fixtures, such as furnishings, appliances, electronics, and business equipment; general organizational operating expenses; capitalizing a revolving loan fund; site work or ancillary activities on a property, including septic systems and laterals, grading, parking lots, sidewalks, landscaping, fences, free standing signs, and general maintenance. Pre-development planning and associated expenses are ineligible uses of Target Area Building Renovation and Downtown Anchor Projects as these activities must result in a completed, occupied space.

Costs that are not adequately justified or that do not directly support the project are not eligible for reimbursement with NYMS funds. Contact the Office of Community Renewal prior to submitting an application to discuss project eligibility, and review the NYMS Program Guide for more detailed guidance on NYMS program rules: <http://www.nyshcr.org/Programs/NYMainStreet/>

Matching Fund Requirements:

- **New York Main Street Building Renovation Projects**

The NYMS Program operates as a reimbursement program and the NYMS Program Guidelines require matching funds for each participating building project. NYMS funds may reimburse up to 75% of total, eligible project costs for general building renovations up to a maximum of \$50,000 per building, or up to \$100,000 for a building renovation project involving direct assistance to residential units.

- New York Main Street Downtown Anchor Projects
NYMS Downtown Anchor Project funds are available to reimburse up to 75% of a total, eligible project cost not to exceed \$500,000 in NYMS Downtown Anchor Project funds. The minimum NYMS Downtown Anchor request amount is \$100,000.
- New York Main Street Downtown Stabilization Program
NYMS Downtown Stabilization funds are available to reimburse up to 75% of a total, eligible project cost not to exceed \$500,000. The minimum NYMS Downtown Stabilization Program request is \$50,000.

Additional Resources:

For more information, applicants should contact the Office of Community Renewal at New York State Homes and Community Renewal, 38-40 State St, Albany, New York 12207, call (518) 474-2057, email HCR_CFA@nyshcr.org or visit: <http://www.nyshcr.org/AboutUs/Offices/CommunityRenewal/>

**Office of Parks, Recreation & Historic Preservation (OPRHP) –
Environmental Protection Fund Grants Program for Parks, Preservation and
Heritage (EPF)**

Funding Available: Up to \$20 Million

DESCRIPTION:

Title 9 NYCRR (sections 439.1 – 443.4) implements the Environmental Protection Fund (EPF) Act of 1993 (Title 9 of Article 54 of the Environmental Conservation Law), which created OPRHP's program for Parks, Preservation and Heritage Grants.

EPF Parks, Preservation and Heritage grant funding is available for the acquisition, planning, development, and improvement of parks, historic properties, and heritage areas located within the physical boundaries of the State of New York. Grants can fund up to 50% of total project cost, up to 75% if the project is located in a high-poverty district. Grant awards are capped at \$500,000.

ELIGIBLE TYPES OF APPLICANTS:

- Municipalities
- State Agencies
- Public Benefit Corporations
- Public Authorities
- Not-for-profit Corporations that have tax-exempt status under the IRS code, are current with pertinent federal and state filings and are pre-qualified in the Grants Gateway (see <http://www.grantsreform.ny.gov/Grantees>).

The applicant must have an ownership interest in the project property:

- Where the applicant is not the property owner:
 - If the project is for planning only, the owner must grant the applicant any access necessary to complete the project.
 - If the project involves acquisition of the property, the application must include documentation of the owner's intent to sell, donate or transfer the property.
 - If the project involves improvement/development of the property, the owner must agree to sign the project agreement and any long term protection document.

- If there are additional parties with an ownership interest in the property, including lien holders, all parties must agree to sign the project agreement and all lien holders must subordinate their interests to those of the State.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT AND LONG TERM PROTECTION REQUIREMENTS:

Funding under the EPF Parks, Preservation and Heritage Grants program is available for the activities and programs described below. An application will be evaluated in all categories for which it qualifies. Applicants should be alert to the requirements for each category for which they wish the application to be considered.

To ensure the public benefit from the investment of State funds, properties acquired or developed with grant funds will receive long term protections, either through parkland alienation law, conservation easements, or public access or preservation covenants recorded against the deeds.

- **Parks Program** - for the acquisition, development or planning of parks and recreational facilities to preserve, rehabilitate or restore lands, waters or structures for park, recreation or conservation purposes and for structural assessments and/or planning for such projects. Examples of eligible projects include: playgrounds, courts, rinks, community gardens, and facilities for swimming, boating, picnicking, hunting, fishing, camping or other recreational activities.
 - Public access covenants will be conveyed to the State for all park development projects undertaken by not-for-profit corporations.
 - Conservation easements will be conveyed to the State for parkland acquisition projects undertaken by not-for-profit corporations.
 - Parkland acquired or improved by a municipality must remain parkland in perpetuity. Information is available in the "Handbook on the Alienation and Conversion of Municipal Parkland," located at <http://nysparks.com/publications/>.
- **Historic Preservation Program** - to acquire, improve, protect, preserve, rehabilitate or restore properties listed on the State or National Register of Historic Places and for structural assessments and/or planning for such projects. All work must conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties and professional qualifications as defined in "Historic Preservation Terms and Professional Qualifications" available at <http://nysparks.com/grants/consolidated-funding-app.aspx>.
 - Properties not currently listed, but scheduled for nomination review at the State Board for Historic Preservation meeting of either June 15, 2017, or September 14, 2017, are eligible to apply for funding. Questions about or proposals for listing on the State or National Register should be directed to the OPRHP National Register Unit at (518) 237-8643.
 - Preservation covenants or conservation easements will be conveyed to the State for all Historic Preservation grants.
 - Grant funds cannot be used for constructing contemporary additions on an historic property unless that work will provide universal access and/or eliminate code deficiencies for access/egress, such as an elevator or stair tower.
 - Multi-purpose additions to historic buildings and free-standing new construction on historic properties are not eligible for this grant program.
- **Heritage Area Program** - for projects to acquire, preserve, rehabilitate or restore lands, waters or structures identified in the approved management plans for Heritage Areas designated under section 35.03 of the Parks, Recreation and Historic Preservation Law, and for structural assessments or planning for such projects. The designated Heritage Areas with approved Management Plans are listed at <http://nysparks.com/grants/heritage->

[areas/default.aspx](#), which also provides links to maps showing exact Heritage Area boundaries.

- To ensure a public benefit from the investment of state funds, appropriate long-term protections in the form of public-access covenants, preservation covenants or conservation easements will be conveyed to the State for all Heritage Area grants.

INELIGIBLE COSTS (will be eliminated from the total project costs in the grant application):

- Work completed prior to award is not eligible for reimbursement or for match. There are two exceptions:
 - Professional services and materials purchased or donated, but not installed, up to three years prior to the application deadline may be applied toward the matching share.
 - Acquisition costs retroactive no more than one year prior to the application deadline are eligible costs.
- Comprehensive open space or management plans.
- Application preparation.
- Contingencies, training, travel, OJT wages, working capital, marketing, taxes, interest, purchase of operational or maintenance equipment, salaries and wages, overhead or operating expenses, rent/lease are ineligible unless noted otherwise above.
- Fundraising events/expenses.
- Bond interest and associated fees. The interest associated with a Bond or Bond Anticipation Note (BAN) cannot be calculated into project cost, whether for reimbursement or local match.
- Lobbying expenses.
- Costs that are not adequately justified or that do not directly support the project.

ADDITIONAL RESOURCES:

Go to <http://nysparks.com/grants/consolidated-funding-app.aspx> to view forms and resources containing additional instructions concerning attachments to the application. For more information, contact the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) Regional Grants Administrator for your county (see list below).

Western New York Region

Noelle Kardos
Beaver Island State Park
2136 West Oakfield
Grand Island, NY 14072
(716) 773-5292, FAX (716) 773-4150
COUNTIES: Allegany, Cattaraugus,
Chautauqua, Erie and Niagara

Finger Lakes Region

Kathleen McIsaac
2221 Taughannock Park Road
Trumansburg, NY 14886
(607) 387-7041, FAX (607) 387-3390
COUNTIES: Genesee, Livingston, Monroe,
Ontario, Orleans, Seneca, Wayne, Wyoming
and Yates

Central New York Region

Jean Egenhofer
Clark Reservation State Park
6105 East Seneca Turnpike
Jamesville, NY 13078-9516
(315) 492-1756, FAX (315) 492-3277
COUNTIES: Cayuga, Cortland, Madison,
Onondaga and Oswego

Mohawk Valley Region

Jean Egenhofer
Clark Reservation State Park
6105 East Seneca Turnpike
Jamesville, NY 13078-9516
(315) 492-1756, FAX (315) 492-3277
COUNTIES: Fulton, Herkimer, Montgomery,
Oneida, Otsego and Schoharie

<u>Long Island Region</u> Traci Christian Belmont Lake State Park PO Box 247 Babylon, NY 11702 (631) 321-3543, FAX (631) 321-3721 COUNTIES: Nassau and Suffolk	<u>Southern Tier Region</u> Kathleen McIsaac 2221 Taughannock Park Road Trumansburg, NY 14886 (607) 387-7041, FAX (607) 387-3390 COUNTIES: Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga and Tompkins
<u>New York City Region</u> Merrill Hesch NYS OPRHP Adam Clayton Powell, Jr. State Office Building 163 West 125 th Street, 17 th Floor New York, NY 10027 (212) 866-2599, FAX (212) 866-3186 COUNTIES: Bronx, Kings, New York, Queens and Richmond	<u>Mid-Hudson Region</u> Erin Drost NYS OPRHP Taconic Regional Office 9 Old Post Road Staatsburg, NY 12580 (845) 889-3866, FAX (845) 889-8321 COUNTIES: Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester
<u>Capital Region</u> Danielle Dwyer Saratoga Spa State Park 19 Roosevelt Drive Saratoga Springs, NY 12866-6214 (518) 584-2000, FAX (518) 584-5694 COUNTIES: Albany, Columbia, Greene, Rensselaer, Saratoga, Schenectady, Warren and Washington	<u>North Country Region</u> Sunshine Jenkins Keewaydin State Park Alexandria Bay, NY 13607 (315) 482-2593, FAX (315) 482-9413 COUNTIES: Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis, and St. Lawrence

Office of Parks, Recreation & Historic Preservation (OPRHP) – Recreational Trails Program (RTP)

Funding Available: Up to \$1.9 Million

DESCRIPTION:

The Recreational Trails Program (RTP) is an assistance program of the U.S. Department of Transportation's Federal Highway Administration (FHWA). In New York, RTP is a program of the New York State Department of Transportation (NYSDOT) administered by the Office of Parks, Recreation and Historic Preservation (OPRHP).

The RTP was reauthorized on December 4, 2015, when the President signed into law the Fixing America's Surface Transportation (FAST) Act (Pub. L. No. 114-94). The FAST Act authorizes funding for the Recreational Trails Program for fiscal years 2016 through 2020. More information on the Federal legislation and program guidance can be found at:
http://www.fhwa.dot.gov/environment/recreational_trails/.

The Recreational Trails Program provides funds to states to develop and maintain recreational trails for both motorized and non-motorized recreational trail use. Funding is available for the maintenance and restoration of existing recreational trails, development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails, purchase and lease of recreational trail construction and maintenance equipment, construction of new recreational trails, acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors, and assessment of trail conditions for accessibility and maintenance.

Grants can fund up to 80% of the total project cost, or, up to 95% if the applicant is a federal agency. The minimum grant award for restoration, development and property acquisition projects is \$25,000. The minimum equipment purchase award is \$5,000. All grant awards are capped at \$200,000. Should project costs increase post award, the grant award will not be adjusted upward.

PROGRAM MANDATES:

The RTP legislation requires that States use 40% of their funds apportioned in a fiscal year for **diverse** recreational trail use, 30% for **motorized** recreation, and 30% for **non-motorized** recreation. Below is a description of project types and funding categories.

INTENDED USE	TYPE OF USE EXAMPLES	FUNDING CATEGORIES
Non-Motorized Single Use	Pedestrian only; equestrian only; or bicycle only	Non-motorized Funding
Non-Motorized Diverse Use	Pedestrian, bicycle and skate; equestrian and pedestrian	Non-motorized and Diverse Funding
Diverse Use (Includes both non-motorized and motorized uses)	Equestrian in summer, snowmobile in winter	Diverse Funding
Motorized Single Use	Snowmobile only	Motorized Funding
Motorized Diverse Use	Snowmobile and Motorcycles	Motorized and Diverse Funding

1. Non-Motorized project for a Single Use: A project primarily intended to benefit only one mode of non-motorized recreational trail use, such as pedestrian only or equestrian only. Projects serving various pedestrian uses (such as walking, hiking, wheelchair use, running, bird-watching, nature interpretation, backpacking, etc.) constitute a single use for the purposes of this category. *Note: wheelchair use by mobility-impaired people, whether operated manually or powered, constitutes pedestrian use, not motorized trail use.* Projects serving various non-motorized human-powered snow uses (such as skiing, snowshoeing, etc.) constitute a single use for this category.

2. Non-Motorized Diverse Use project: A project primarily intended to benefit more than one mode of non-motorized recreational trail use such as: walking, bicycling, and skating; both pedestrian and equestrian use; or pedestrian use in summer and cross-country ski use in winter.

3. Diverse Use project including both Motorized and Non-Motorized Uses: A project intended to benefit both non-motorized recreational trail use **and** motorized recreational trail use. This category includes projects where motorized use is permitted, but is not the predominant beneficiary. This category includes projects where motorized and non-motorized uses are separated by season, such as equestrian use in summer and snowmobile use in winter. Other examples: a common trailhead project serving separate ATV and bicycle trails; purchasing a machine to groom both snowmobile and cross-country ski trails.

4. Motorized Single Use project: A project primarily intended to benefit only one mode of motorized recreational use, such as snowmobile trail grooming. A project may be classified in this category if the project also benefits some non-motorized uses (it is not necessary to exclude non-motorized uses), but the primary intent must be for the benefit of motorized use.

5. Motorized Diverse Use project: A project primarily intended to benefit more than one mode of motorized recreational use, such as: motorcycle and ATV use; or ATV use in summer and snowmobile use in winter. A project may be classified in this category if the project also benefits some non-motorized uses (it is not necessary to exclude non-motorized uses), but the primary intent must be for the benefit of motorized use.

Projects in categories 1 and 2 count toward the 30 percent non-motorized use requirement. Projects in categories 2, 3, and 5 count toward the 40 percent diverse trail use requirement. Projects in categories 4 and 5 count toward the 30 percent motorized use requirement. For equipment-only purchases and assessment projects, the selection criteria will be based on the primary use of the trail system that the project impacts.

ELIGIBLE TYPES OF APPLICANTS:

- Municipalities
- State Agencies
- Federal Agencies
- Other Government Entities
- Not-for-Profit Corporations that have tax-exempt status under the IRS code, are current with pertinent federal and state filings and have pre-qualified in the Grants Gateway (see <http://www.grantsreform.ny.gov/Grantees>)

The applicant must have an ownership interest in the project property. Where the applicant is not the property owner:

- A clear and legible copy of the documentation showing such interest in the property (i.e. lease, operating or management agreement) must be provided along with a letter of support for the project from the owner/managing entity stipulating that they will agree to enter into a legally binding agreement.
- In the case of State Property, an authorization (i.e. permit) must be submitted if a lease, operating, or management agreement is not already in place. A letter of support from the Capital Facilities Manager must be submitted with the application.
- If the project involves acquisition of property, describe the status of purchase negotiations and document the owner's intent to sell (signed purchase contract, option agreement, or letter of intent).
- If the project involves the purchase of equipment, a list of landowners and a copy of the land use agreement must be provided.

ELIGIBLE ACTIVITIES/PROGRAM BENEFIT REQUIREMENTS:

All projects funded under the Recreational Trails Grant Program must meet the following eligibility requirements:

- The proposed project must be legally and physically accessible to the public, or be a portion of an identified trailway project which, when completed, will be legally and physically accessible to the public;
- The proposed project must be physically and environmentally developable as a trailway;
- The proposed project must be planned and developed under the laws, policies and administrative procedures of the State; and
- The proposed project must be identified in or further one or more specific goals of the Statewide Comprehensive Outdoor Recreation Plan (SCORP) required by the Land and Water Conservation Fund Act of 1965, or the Statewide Trails Plan, as found at: <http://nysparks.com/grants/forms-resources.aspx>, or a local trails plan.

Funding under the Recreational Trails Grant Program is available for one or more of the following grant categories and project elements:

- **Maintenance and restoration of existing trails** may be interpreted broadly to include any kind of trail maintenance, restoration, rehabilitation, or relocation. This category may include maintenance and restoration of trail bridges or providing appropriate signage along a trail.
- **Development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails** may be interpreted broadly to include development or rehabilitation of any trailside and trailhead facility. The definition of "rehabilitation" means extensive repair needed

to bring a facility up to standards suitable for public use (not routine maintenance). Trailside and trailhead facilities should have a direct relationship with a recreational trail; a highway rest area or visitor center is not an appropriate use of RTP funds.

- **Purchase and lease of recreational trail construction and maintenance equipment** includes purchase and lease of any trail construction and maintenance equipment, including lawn mowers and trail grooming machines, provided the equipment is used primarily to construct and maintain recreational trails. This provision does not include purchase of equipment to be used for purposes unrelated to trails. For example, a lawn mower purchased under this program must be used primarily for trail and trailside maintenance, not to maintain open lawn areas or sport fields.
- **Construction of new recreational trails** includes construction of new trail bridges or providing appropriate signage along a trail. In the case of new recreational trails crossing Federal lands, construction of the trails shall be:
 - permissible under other law;
 - necessary and recommended by a Statewide Comprehensive Outdoor Recreation Plan (SCORP);
 - approved by New York State Office of Parks, Recreation and Historic Preservation (OPRHP); and
 - approved by each Federal agency having jurisdiction over the affected lands under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).
- **Acquisition of easements and fee simple title to property** is self-explanatory. This category may include acquisition of old road or railroad bridges to be used as recreational trail bridges. However, §206(g)(1) prohibits condemnation of any kind of interest in property. Therefore, acquisition of any kind of interest in property must be from a willing landowner or seller.
- **Assessment of trail conditions for accessibility and maintenance** authorizes specific projects to assess trails to determine the level of accessibility for people who have disabilities, to develop programs to provide trail access information, and to assess trails for current or future maintenance needs.

INELIGIBLE COSTS:

- **Indirect costs are ineligible expenses under RTP.** Indirect costs are elements which are not directly attributable to the project. Usually these costs relate to objects of expenditure that do not become an integral part of the finished product or service, such as rent, heat, light, supplies, and other administrative overhead (e.g. salaries of executive staff).
- **Condemnation** of any kind of interest in property or the use of value of condemned land toward the match requirement;
- **Construction of any recreational trail on State or Federal land for any motorized use** unless:
 - Such uses are legally permissible on such lands, and
 - Such construction is consistent with the management direction in the approved land and resource management plan;
- Upgrading, expanding, or otherwise facilitating **motorized use or access to recreational trails predominantly used by nonmotorized recreational trail users** and on which, as of May 1, 1991, motorized use was prohibited or had not occurred.
- The performance of any **Trail Feasibility Study**
- Routine **Law Enforcement**

- **Trail Planning**, if it is the sole purpose of the project. Trail planning costs may be allowed if it is a relatively small portion of an overall trail project.
- **Railroad rights-of-way on which the railroad tracks are in place**, if trail users will traverse on or between the railroad tracks, except for providing a railroad crossing in coordination with the railroad owner, operator, and State agency with jurisdiction over the railroads.
- Improvements to **roads and/or bridges** intended to be generally accessible by low clearance passenger vehicles (regular passenger cars), unless they are specifically designated for recreational trail use by the managing agency
- **Paths or sidewalks** along or adjacent to public roads or streets unless the path or sidewalk is needed to complete a missing link between other recreational trails
- Federally designated **Wilderness areas** are subject to the restrictions of the Wilderness Act (16 U.S.C. 1131)

ADDITIONAL RESOURCES:

Go to <http://nysparks.com/grants/consolidated-funding-app.aspx> to view forms and resources, including the CFA Guidance Document, which contains additional instructions concerning attachments to the application. For more information, contact the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) Regional Grants Administrator for your county (see list below).

Western New York Region

Noelle Kardos
Beaver Island State Park
2136 West Oakfield
Grand Island, NY 14072
(716) 773-5292, FAX (716) 773-4150
COUNTIES: Allegany, Cattaraugus,
Chautauqua, Erie and Niagara

Finger Lakes Region

Kathleen McIsaac
2221 Taughannock Park Road
Trumansburg, NY 14886
(607) 387-7041, FAX (607) 387-
3390 COUNTIES: Genesee, Livingston,
Monroe, Ontario, Orleans, Seneca, Wayne,
Wyoming and Yates

Long Island Region

Traci Christian
Belmont Lake State Park
PO Box 247
Babylon, NY 11702
(631) 321-3543, FAX (631) 321-3721
COUNTIES: Nassau and Suffolk

New York City Region

Merrill Hesch
NYS OPRHP
Adam Clayton Powell, Jr. State Office Building
163 West 125th Street, 17th Floor
New York, NY 10027
(212) 866-2599, FAX (212) 866-3186
COUNTIES: Bronx, Kings, New York, Queens
and Richmond

Central New York Region

Jean Egenhofer
Clark Reservation State Park
6105 East Seneca Turnpike
Jamesville, NY 13078-9516
(315) 492-1756, FAX (315) 492-3277
COUNTIES: Cayuga, Cortland, Madison,
Onondaga and Oswego

Mohawk Valley Region

Jean Egenhofer
Clark Reservation State Park
6105 East Seneca Turnpike
Jamesville, NY 13078-9516
(315) 492-1756, FAX (315) 492-3277
COUNTIES: Fulton, Herkimer, Montgomery,
Oneida, Otsego and Schoharie

Southern Tier Region

Kathleen McIsaac
2221 Taughannock Park Road
Trumansburg, NY 14886
(607) 387-7041, FAX (607) 387-3390
COUNTIES: Broome, Chemung, Chenango,
Delaware, Schuyler, Steuben, Tioga and
Tompkins

Mid-Hudson Region

Erin Drost
NYS OPRHP
Taconic Regional Office
9 Old Post Road
Staatsburg, NY 12580
(845) 889-3866, FAX (845) 889-8321
COUNTIES: Dutchess, Orange, Putnam,
Rockland, Sullivan, Ulster and Westchester

Capital Region

Danielle Dwyer

Saratoga Spa State Park

19 Roosevelt Drive

Saratoga Springs, NY 12866-6214

(518) 584-2000, FAX (518) 584-5694

COUNTIES: Albany, Columbia, Greene,
Rensselaer, Saratoga, Schenectady, Warren
and WashingtonNorth Country Region

Sunshine Jenkins

Keewaydin State Park

Alexandria Bay, NY 13607

(315) 482-2593, FAX (315) 482-9413

COUNTIES: Clinton, Essex, Franklin, Hamilton,
Jefferson, Lewis, and St. Lawrence

Waterfront Revitalization

Department of State - Local Waterfront Revitalization Program

Funding Available: Up to \$15.2 million

Description:

The Department of State's (Department) Local Waterfront Revitalization Program provides grants on a competitive basis to eligible villages, towns, cities, and counties (with the consent and on behalf of one or more villages, towns, cities) located along New York's coasts or designated inland waterways to revitalize communities and waterfronts through planning, design, and construction projects, with design and construction tied to prior planning (must have an approved Local Waterfront Revitalization Program or relevant component substantially completed). Construction projects also must be on public property, or where a permanent public interest, such as conservation easement, has been established. This is a reimbursement program.

State assistance awarded and paid shall not exceed 75% of the total eligible project costs set forth in the application and as approved by the Department, except where the proposed project is located in an environmental justice community, in which case state assistance awarded and paid shall not exceed 85% of the total eligible project costs set forth in the application and as approved by the Department.

Eligible Types of Applicants:

Eligible applicants are villages, towns, or cities, and counties (with the consent and on behalf of one or more towns, villages, or cities) which are located along New York's coasts or inland waterways designated pursuant to Executive Law, Article 42. A list of coastal water bodies and designated inland waterways is available at <http://www.dos.ny.gov/funding/>. Applicants may also partner with other organizations; however, only applications from eligible applicants will be evaluated for funding. If successful, all applicable procurement requirements must be met for such partnerships. Applications submitted by not-for-profit organizations (including, but not limited to, community-based organizations, neighborhood groups) and for-profit organizations are ineligible and will not be scored.

Eligible applicants working in partnership with neighboring municipalities to address regional land use, waterfront revitalization, community development, and resource and/or environmental issues or opportunities are encouraged to apply. Only the municipality identified as the applicant (one village, town, or city, or a county with the consent and on behalf of one or more villages, towns, cities) will be awarded a contract.

- For general planning needed to advance any of the eligible activities listed below, an applicant must be a village, town, city, or county with the consent and on behalf of one or more towns, villages, or cities located along New York's coast or a designated inland waterway.
- For project-specific planning, feasibility, design, and/or marketing needed to advance eligible activities, an applicant must be a village, town, city, or county with the consent and on behalf of one or more towns, villages, or cities, currently preparing a LWRP or component, or with an approved LWRP or component.
- For construction of projects needed to advance eligible activities, an applicant must be a village, town, city with an approved LWRP or the relevant LWRP component substantially completed, or a county with the consent and on behalf of one or more eligible town, village, or city with an approved LWRP or relevant LWRP component substantially completed.

Applicants that have been awarded Department grants in the past should have demonstrated responsible contracting with the Department to be eligible for an award from this procurement.

Amendments cannot be made to the original contracted scope of work, for example, applicants that receive funding for general planning or for project-specific planning, feasibility, design, and/or marketing projects may use this funding for these purposes only.

Eligible Activities / Program Benefit Requirements:

Local Waterfront Revitalization Program Grant Funding will be available for program planning, feasibility, design, or marketing of specific projects, and construction projects, to advance the preparation or implementation of strategies for community and waterfront revitalization through the following grant categories:

- Preparing or Implementing a Local Waterfront Revitalization Program (LWRP)
- Updating an LWRP to Mitigate Future Physical Climate Risks
- Redeveloping Hamlets, Downtowns and Urban Waterfronts
- Planning or Constructing Land and Water-based Trails
- Preparing or Implementing a Lakewide or Watershed Management Plan
- Implementing a Community Resilience Strategy
- Celebrating the Bicentennial of the Erie Canal - Improving Public Waterfront Access for Canal Communities

Eligible Costs:

Costs must be adequately justified and directly support the project. Proposed total project costs must be essential to project completion. Grant funds may be used for the following costs:

- Personal Services – including direct salaries, wages, fringe benefits for activities related to project work by municipal employees, including project management, capacity building, and grant administration
- Non-Personal Services – including supplies and materials, travel, equipment, consultant/contractual services for direct project related costs, project management, capacity building, limited grant administration, and other goods and services.

NOTE: Project management activities may include, but are not limited to, oversight and coordination of tasks needed to produce contracts deliverables, coordination of Project Advisory Committee activities, consultant procurement and oversight, public outreach and providing technical assistance. Project management may include providing local and/or regional capacity to advance revitalization goals.

NOTE: Capacity building may include: investment in existing staff, such as training, purchasing equipment or automating systems that will improve a community's ability to carry out projects and/or deliver programs funded under this RFA; or developing organizational capacity, such as through creating and recruiting new positions to oversee revitalization efforts.

NOTE: Grant administration activities may include, but are not limited to, preparation of reports, vouchers, contract related administration and compliance with grant record keeping and reporting requirements. Grant administration may not exceed 15% of the award amount or \$50,000, whichever is less.

NOTE: Land acquisition – land acquired (e.g., purchase or donation) may only be used as local match for construction projects. Land acquired must directly support the project and be acquired within three years prior to the contract start date or within the executed contract term. A map identifying the property, current appraisal report and copy of the recorded deed conveying title will be required to document property value and ownership.

Ineligible Costs:

The following costs are ineligible costs and will neither be reimbursed with grant funds nor accepted as the required local match:

- Indirect or overhead costs of the municipality, such as rent, telephone service, general administrative support, computers, office equipment, general office supplies, general operations costs, membership fees, subscription costs
- Salaries and other expenses of elected officials, whether incurred for purposes of project direction, execution, or legislation. However, volunteer services contributed by these officials to the project may be used as local match, provided that such services are outside the performance of their official duties
- Fund raising events/expenses
- Federal assistance
- Other Environmental Protection Fund awards
- Land acquisition (except as noted above)
- Taxes, insurance, fines, deficit funding
- Bond interest and associated fees
- Contingency costs
- Lobbying expenses
- Costs incurred prior to the contract start date
- Costs that are not adequately justified or that do not directly support the project

Ineligible costs will be eliminated from the total project costs in the grant application.

Eligible Area, City, County Population Limits or Population Target Types:

Approximately \$10,000,000 will be awarded for projects which are in, or primarily serve, areas where demographic and other relevant data demonstrate that the areas are: densely-populated and have sustained physical deterioration, decay, neglect, or disinvestment, or where a substantial proportion of the residential population is of low income, or is otherwise disadvantaged and is underserved with respect to the existing recreational opportunities.

Additional Resources:

The Request for Applications is available on the Department of State's website:

<http://www.dos.ny.gov/funding>. Updates and/or modifications to the Request for Applications, along with answers to written questions received, will be posted on the Department of State's website.

Pre-application workshops will be held at several locations around the State. The workshop schedule and further information are available at <http://regionalcouncils.ny.gov/>. All those who would like to have the application process explained or have process-related questions are encouraged to attend.

For general questions on this grant program, please submit written questions by email to opd@dos.ny.gov or New York State Department of State, Office of Planning and Development, Attn: LWRP RFA Questions, 99 Washington Avenue, Suite 1010, Albany, New York 12231.

Canalway Grants Program**Funding Available: Up to \$1 million****DESCRIPTION:**

The "Canalway Grants Program" includes up to \$1.0 million in competitive grants available to eligible municipalities, and 501(c)(3) non-profit organizations along the New York State Canal System for canal related capital projects. The minimum grant request amount is \$25,000. The maximum grant request is \$150,000. Grant administration and pre-development costs shall not exceed 10% of the grant award amount. These costs may be used as part of the applicant match though, with no cap.

FUNDING PRIORITIES:

Priority will be given to projects that are intended to further the goals and objectives of the NYS Canal Recreationway Plan <http://www.canals.ny.gov/news/crc/plan.html> and Regional Economic Development Councils Strategic Plans <http://regionalcouncils.ny.gov/>

ELIGIBLE TYPES OF APPLICANTS:

- Municipalities
- Not-for-profit Corporations

Not-for-profit corporations are subject to New York State's Not-For-Profit Corporation Law. In order to apply under this program, a not-for-profit corporation must have proof of incorporation (or equivalent document) from the NYS Department of State or NYS Board of Regents, a charities registration number from the NYS Office of the Attorney General, and proof of tax-exempt status under the IRS code.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

Eligible canal capital projects include, but may not be limited to: constructing new buildings, vessels or structures; constructing additions or improvements that enlarge, expand, enhance or extend existing buildings, vessels or structures; new systems in existing buildings, vessels or structures (HVAC, plumbing, electrical, mechanical, propulsion); substantial renovations or preservation of existing buildings, vessels or structures, including reconfigurations (removal or construction of walls, ceilings and flooring, windows, window frames, hulls); site preparation and improvements associated with a project (excavation, demolition, roadways, sidewalks, exterior lighting, sprinkler systems, utility hook-ups); acquisition of furnishings, fixtures, machinery and equipment with a useful life in excess of five years; constructing or rehabilitating segments of Canalway Trail; constructing or rehabilitating docks or bulkheads for the purpose of public access to and from the Canal System; and/or hazardous waste clean-up associated with a project.

INELIGIBLE ACTIVITIES:

- Use of grant funds for land acquisition is prohibited (however the costs of acquisition may be used as a local match)
- Grant funds cannot be used to cover operating expenses

ADDITIONAL RESOURCES

For more information, eligible applicants should contact the New York State Canal Corporation, 30 South Pearl Street, Albany NY 12207 www.canals.ny.gov
<http://www.canals.ny.gov/community/grant.html>
procurement@canals.ny.gov

Energy

NYSERDA Energy Efficiency Programs

Funding Available: Up to \$40 million available

NYS Energy Research and Development Authority - Flexible Technical Assistance

DESCRIPTION:

Program provides eligible New York State commercial, industrial, and institutional end users with objective and customized engineering analysis to help make informed energy decisions.

ELIGIBLE TYPES OF APPLICANTS:

FlexTech is funded on a first-come, first served basis until funds are exhausted. Eligible Applicants are New York State electricity customers of a participating utility company, who pay into the System Benefits Charge (SBC). The SBC may be a line item on the customer's utility bills.

Eligible Applicants include, but are not limited to:

- Commercial Facilities
- Industrial Facilities
- Public and Private K-12 schools
- Colleges and Universities
- Healthcare Facilities
- Agricultural Facilities
- Municipalities (Local Government)
- State Agencies & Government
- Not-for-profit Corporations

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

Customers who are in need of a service provider may choose from NYSERDA's FlexTech Consultant list comprised of firms under NYSERDA contract who have been competitively selected to provide technical services across the state. The current list of FlexTech Consultants is available on NYSERDA's website at www.nysesda.ny.gov/flextech. Alternatively, customers may select their own service provider. Potential service providers include, but are not limited to: ESCOs, energy consultants, and engineering companies.

Eligible study categories include:

- Energy Feasibility Studies — Studies and customized recommendations for the energy consuming systems at your facility that align with your business goals.
- Master Planning — Ongoing identification of energy opportunities for your business. Services include energy, carbon and sustainability master planning, long-term energy management support, and RFP preparation.
- Industrial Process Efficiency — Studies focusing on increasing productivity while improving energy performance. The findings of these studies help your company define and reduce energy use per unit of production.
- Data Centers — Assess energy efficiency and reduce energy and carbon impacts in your data center support systems. Includes items such as system upgrades or replacement, server virtualization, and redundancy optimization.
- Combined Heat and Power — Study to investigate the feasibility of installing gas-fired combined heat and power at your site.
- Farm Energy Audits: Energy feasibility studies that provide farmers with cost effective, energy efficiency opportunities for their farm process.

PRE-APPLICATION REQUIREMENTS:

Customers must be contributing to the SBC. Work conducted prior to scope of work receipt is not eligible for cost-sharing.

FUNDING PRIORITIES:

Eligible applications are accepted on a first-come, first-served basis until funds are exhausted.

INELIGIBLE ACTIVITIES:

- New facilities or those that have undergone substantial renovations, which have not been occupied for more than one year are not eligible for funding.
- Whole building, new construction, new equipment commissioning and retro-commissioning is not eligible for funding under this program.
- Detailed engineering design is not eligible for funding under this program.
- Applications seeking funding for single, multifamily, or Publicly Assisted Housing are not eligible under this program, but may apply under NYSERDA's one of NYSERDA's other programs.
- Applications seeking funds to support the sale or distribution of energy are not eligible for funding under this program except as defined in NYSERDA's CHP requirements.
- Equipment purchases are not eligible for funding under this program, except for metering equipment, software costs, and other data collection hard costs. To be eligible for funding, the equipment must be a necessary component of the funded study.
- No service provider may apply for more than 25% of the funds available under this program.
- Power quality, power factor, and power conditioning studies are not eligible for funding under this program.
- Utility billing error analysis is not eligible for funding under this program.
- Organizations that generate, transmit, or distribute energy for sale are not eligible for funding under this component of the program.
- Applications for generation studies without a heat recovery component are not eligible for funding.
- Applications for studies proposing to evaluate generation systems utilizing fuel sources other than natural gas are not eligible for funding.
- Applications seeking assistance with evaluating CHP systems for which the potential generation capacity would be larger than 50 MW or mechanical equivalent in total prime mover capacity, including back up, are not eligible for funding.
- Applications seeking assistance with evaluating CHP systems for which less than 75% of the electricity generated would be used on-site are not eligible for funding.

ADDITIONAL RESOURCES:

FlexTech Main Page: www.nyserderda.ny.gov/flextech

FlexTech Cost-Shared studies – outline of process: <http://www.nyserderda.ny.gov/All-Programs/Programs/FlexTech-Program/FlexTech-Process>

NYS Energy Research and Development Authority – Commercial New Construction Program**DESCRIPTION:**

The Commercial New Construction Program (CNCP) provides technical and financial support to evaluate energy efficiency options and to promote the installation of energy-efficient electric equipment in new and substantially renovated commercial and industrial buildings.

ELIGIBLE TYPES OF APPLICANTS:

- State and local governments, businesses, not-for-profit and private institutions, public and private K-12 schools, colleges and universities, and health care facilities in New York State that

are electricity customers of a participating utility company, and that pay, or will pay, into the System Benefits Charge, are eligible for incentives.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

- Projects for which an architect or engineer is preparing and certifying construction documents, including:
 - New buildings, or space within a new building.
 - Substantial renovations to existing buildings where the space has been, or will be, vacant for at least 30 consecutive days; or where there is a change of use (e.g. warehouse to office).

SUCCESSFUL APPLICANT REQUIREMENTS:

- Submit a Consolidated Funding Application (CFA).
- Working with NYSERDA, identify, analyze and document potential energy efficiency measures and incentives. Technical support services during this phase may require cost-sharing between NYSERDA and the applicant, with the applicant's prior approval.
- Purchase and install equipment after receiving an incentive offer from NYSERDA.*

* NYSERDA may elect to inspect projects prior to final approval. If requested by NYSERDA the applicant must also provide access to the site for post-occupancy measurement and verification.

INELIGIBLE ACTIVITIES:

- Applicants may not obtain incentives for the same energy efficiency measures through other NYSERDA programs or from programs offered by their local utility;
- Ineligible projects include renovations and equipment upgrades at existing facilities where the facility will remain occupied during construction;
- Applicants who do not, or will not, pay into the System Benefits Charge through their local utility company are ineligible for participation in the program;
- Applicants may not obtain incentives for energy efficiency measures installed before an application is submitted and an CNCP incentive offer is issued by NYSERDA; and
- Energy-efficiency measures must be cost effective.

ADDITIONAL RESOURCES:

More information is available at <http://www.nyserdera.ny.gov/new-construction>.
1-866-NYSERDA

NYS Energy Research and Development Authority – Industrial and Process Efficiency Program

DESCRIPTION:

The New York State Energy Research and Development Authority (NYSERDA)'s Industrial and Process Efficiency (IPE) Program provide performance-based assistance to manufacturers and data centers implementing energy efficiency and process improvements.

IPE assists commercial and industrial manufacturers and data centers in identifying ways to improve energy efficiency through capital investments and process improvements by offering capital incentives and practical technical assistance while recognizing the importance of sustaining reliability and maximizing uptime. IPE's goal is to help manufacturers and data centers increase product output and improve data processing as efficiently as possible. IPE focuses on projects that improve manufacturing process productivity and data center efficiency. For example, projects that increase throughput, reduce scrap, improve productivity, and prioritize and optimize server loads all have an energy component. Manufacturing, industrial, and data center facilities are eligible for participation in this program and are

engaged through effective marketing, which includes key account strategies to build ongoing relationships as the primary energy efficiency resource for customers.

ELIGIBLE TYPES OF APPLICANTS:

All of New York State manufacturing, industrial and data center facilities that pay into the System Benefits Charge (SBC):

- Manufacturing facilities, or support operations such as warehousing and distribution sites:
 - Example: Plastics and Packaging, Chemicals, Petrochemicals, Metals, Paper and Pulp, Transportation, Biotechnology, Pharmaceutical, Food and Beverage, Mining and Mineral Processing, General Manufacturing and Equipment Manufacturers.
- Data Centers located in various business sectors:
 - Example: Manufacturing, Financial, Higher Education, Health Care, Commercial Real Estate, Service Provider, Co-location Facilities, Government, Legal, Insurance, and Telecom.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

Applications will be accepted on a first-come, first-served basis, or until funds are exhausted.

- NYSERDA's focus is on projects that improve manufacturing process productivity and data center efficiency. NYSERDA's performance-based incentives are calculated from the total annual energy savings that result from implementing energy efficiency measures.
 - For example, projects that increase throughput, reduce scrap, improve productivity, and prioritize and optimize server loads all have an energy component and may be eligible for a NYSERDA incentive.
- NYSERDA also provides incentives for improvements to support system efficiency (related to process) such as process cooling, heat recovery, pumping systems, compressed air, air flow management (hot isle/cold isle), and UPS system upgrades.
- O&M Incentives are available for projects that deliver verifiable annual energy savings resulting from upgrades or initiatives to improve operations. Projects may involve: Compressed air system leak management, replacement of leaking steam traps, installation of cogged style fan belts, burner tune-up, server power management, air flow controls optimization, or dynamic temperature monitoring and adjustment.

In order to be considered eligible, a facility must pay into the System Benefits Charge (SBC) on their electric bill through one of the following utility companies:

- Consolidated Edison Company of New York, Inc.
 - Central Hudson Gas & Electric Corporation
 - National Grid Generation d/b/a National Grid
 - New York State Electric & Gas Corporation
 - Orange and Rockland Utilities, Inc.
 - Rochester Gas and Electric Corporation
- Projects must qualify for an incentive of at least \$25,000.
 - A facility may receive an incentive for a specific energy efficiency measure either through NYSERDA or a utility company, but not both.

SUCCESSFUL APPLICANT REQUIREMENTS:

- Engineering Study: Incentives are based on a site/process specific engineering analysis. NYSERDA's Technical Reviewers are available to assist with the required engineering analysis at no cost to the facility.
- Measurement and Verification (M&V): NYSERDA may use metering and other M&V tools at the Applicant's facility. In addition to the installation incentives described above, any incremental M&V costs will be performed by NYSERDA's technical reviewer at no additional cost to the applicant.
- Project approval is in the form of a purchase order issued to the Applicant by NYSERDA. Generally, the purchase order is issued as soon as a reasonably accurate estimate of the energy savings is available. For straightforward projects, a purchase order is issued within a few weeks of application. For more complex projects, a site visit by NYSERDA staff and/or a NYSERDA technical reviewer may be required to develop a clear understanding of the project and to estimate energy savings. In either case, the goal is to approve projects as quickly as possible.

ADDITIONAL RESOURCES:

Website: www.nyserda.ny.gov/ipe

New York Power Authority - ReCharge New York

Amount available: Up to 157 Megawatts (availability as of 4/1/17)

Description:

ReCharge New York (RNY) is a statewide economic development power program designed to retain or create jobs through allocations of lower cost electricity to businesses and Not-for-Profit Corporations. The majority of the power remaining to be allocated will be for businesses that plan to expand operations in the state or are looking to relocate to New York State. The RNY power program is a valuable tool for promoting economic development within the state. Businesses and Not-for-Profit Corporations are eligible to apply. The program is not available to sports venues, retail businesses, gaming or entertainment related establishments, and places of overnight accommodations.

Allocations of ReCharge New York power will be awarded based on a competitive application process based on legislative criteria. Recommended allocation awards must be approved by the Economic Development Power Allocation Board and the New York Power Authority Board of Trustees. Allocations of RNY power (in kW) will be delivered after the execution of a contract. The contract could be a term of up to seven years and will specify employment commitments and other terms and conditions for retaining the RNY power allocation.

For more information, eligible applicants should call the ReCharge New York Hotline at 888-JOBSNYS (888-562-7697) or email Recharge.NewYork@nypa.gov.

Environmental Improvements

New York State DEC/EFC Wastewater Infrastructure Engineering Planning Grant Program - Overview

Funding Available: Up to \$3 million

Description

The New York State Department of Environmental Conservation (DEC), in conjunction with the New York State Environmental Facilities Corporation (EFC), will offer grants to municipalities to help pay for the initial planning of eligible Clean Water State Revolving Fund (CWSRF) water quality projects. Up to \$3 million has been made available for this round of the Wastewater Infrastructure Engineering Planning Grant (EPG) program.

Grants of up to \$100,000³ to finance engineering and planning services for the production of an engineering report will be provided to municipalities with a Median Household Income (MHI) of:

- Equal to or less than \$65,000 in the following Regional Economic Development Council (REDC) regions
 - Capital District
 - Southern Tier
 - North Country
 - Mohawk Valley
 - Central NY
 - Finger Lakes
 - Western NY
- Equal to or less than \$85,000 in the following REDC regions
 - Long Island
 - New York City
 - Mid-Hudson

The ultimate goal of the EPG program is to advance water quality projects to construction for needy communities. Successful applicants can use the engineering report funded by the grant to seek financing through the CWSRF program or other funding entities to further pursue the identified solution.

Eligible Activities

Funding can be used by municipalities for the preparation of an engineering report⁴ and planning activities to determine the scope of water quality issues, evaluate alternatives, and propose a capital improvement project. In addition, the costs to conduct an environmental review for the recommended alternative in the report are eligible.

Priority will be given to municipalities proposing planning projects that are:

- required by an executed Order on Consent;
- required by a draft or final State Pollutant Discharge Elimination System (SPDES) permit;
- upgrading or replacing an existing wastewater system;
- constructing a wastewater treatment and/or collection system for an area with failing onsite septic systems; or
- identified in a Total Maximum Daily Load (TMDL) Implementation plan.

³ See the "Grant Award Details" section of this document for details of funding amounts.

⁴ See the "Key Definitions" section of this document for specific information on the required contents of the engineering report.

The report must follow EFC's current Engineering Report Outline. The report must contain a comprehensive analysis of the following alternatives, as applicable:

- No-action alternative (required)
- Green infrastructure in combination with gray infrastructure or individually (required for projects involving stormwater, including stormwater inflow to sewer systems)
 - A justification must be provided if a green infrastructure component is not part of the recommended alternative
- Repair or replacement versus new construction
- Regional consolidation opportunities
- Centralized versus decentralized (required for new systems), or a combination thereof (small cluster or individual systems)

Any alternatives considered technically infeasible should be identified as such and the rationale briefly discussed.

Smart Growth alternative(s) must be considered and documented in the engineering report.

In accordance with the laws, rules and regulations governing the CWSRF, projects defined in the federal Clean Water Act, Section 212 as treatment works must be publicly-owned.

Ineligible Activities

- Projects that do not lead to the restoration or protection of a surface waterbody.
- Projects that do not address improvements to a publicly-owned treatment works.⁵
- Projects and scope listed on the 2017 CWSRF Intended Use Plan Annual Project Priority List.
- Design and construction costs for any projects.

Grant Award Details

Option 1 - \$30,000 Grant

- Population of Municipality: 50,000 or less according to the United States Census, 2015 American Community Survey. Population data can be found on the EFC EPG website at www.efc.ny.gov/epg.
- Type of Planning Project: any wastewater infrastructure-related, including disinfection projects.
- Engineering Report Requirements: Due within 12 months of grant agreement execution.

Option 2 - \$50,000 grant

- Population of Municipality: Greater than 50,000 according to the United States Census, 2015 American Community Survey. Population data can be found on the EFC EPG website at www.efc.ny.gov/epg.
- Type of Planning Project: any wastewater infrastructure-related, including disinfection projects.
- Engineering Report Requirements: Due within 12 months of grant agreement execution.

Option 3 - \$100,000 grant

- Population of Municipality: no limit
- Type of Planning Project: Only for wastewater infrastructure inflow and infiltration issues as a result of an Order on Consent or SPDES Permit Compliance Schedule.

⁵ See the "Key Definitions" section of this document on what is considered an eligible publicly-owned treatment works activity.

- Engineering Report Requirements: Due within 18 months of grant agreement execution.

Multiple Application Submissions

Only one project per municipality may be awarded in this Round. If an applicant is submitting multiple applications for their municipality, they are asked to prioritize their applications. In addition, municipalities may only have two *active* EPG awards, they are not eligible to receive a third.

Additional Resources

For more information, visit <http://www.dec.ny.gov/pubs/81196.html> or www.epc.ny.gov/epg

**New York State Department of Environmental Conservation (DEC) –
Water Quality Improvement Project Program**

Funding Available: Up to \$87 million

DESCRIPTION

The Water Quality Improvement Project (WQIP) program is a competitive, statewide reimbursement grant program open to local governments and not-for-profit corporations for implementation projects that directly address documented water quality impairments or protect a drinking water source. This grant program requires recipients to provide 15% of the award amount as a local share of the project for high priority Wastewater Treatment Improvement projects; 25% of the award amount as a local share of the project for Non-agricultural Nonpoint Source Abatement and Control, Land Acquisition for Source Water Protection, Salt Storage, Aquatic Habitat Restoration, and Municipal Separate Storm Sewer System projects; and 60% of the award amount as a local share of the project for General Wastewater Infrastructure Improvement projects.

Additional Resources

The RFA is available on the Department of Environmental Conservation's (Department's) website: <http://www.dec.ny.gov/pubs/4774.html>. Updates and/or modifications to the RFA, along with answers to questions received, will be posted on the Department's website. Questions should be submitted to user.water@dec.ny.gov no later than July 10, 2017.

Pre-application workshops will be held around the State. The workshop schedule along with additional information is available at <http://regionalcouncils.ny.gov/>. All those who would like to have the application process explained or have process-related and/or grant-related questions are encouraged to attend.

Funding

The Department anticipates having up to \$87 million available for WQIP projects, including up to \$1 million available for projects to abate nitrogen loading in Long Island.

The Department may potentially receive additional funding for qualifying projects (e.g., wastewater treatment, nonpoint source abatement and control, aquatic habitat restoration) located in Nassau and Suffolk counties. Should such funding become available, the Department reserves the right to award funding for scored and ranked projects, consistent with the method of award described in this grant opportunity. In addition, the Department may potentially receive

additional funding for qualifying beach restoration projects. Should such funding become available, the Department reserves the right to award funding for scored and ranked projects, consistent with the method of award described in this grant opportunity.

Eligible Types of Applicants

Generally, applicants meeting the following criteria are eligible for WQIP funds. There is some variability among eligible applicants for specific project types. Applicant eligibility criteria is more clearly identified under each specific WQIP project type contained in this Request for Applications (RFA).

- Municipalities
- Municipal corporations
- Regulated traditional Municipal Separate Storm Sewer Systems (MS4s)
- Soil and water conservation districts
- Not-for-profit corporations, (**Only** land acquisition for source water protection projects OR aquatic habitat restoration projects)

The “Legal Name of Applicant” listed in the application must be the name of the entity that will enter into the contract if awarded. The Legal Name of Applicant field should not list an individual. Be sure to select the correct entity that is applying for the grant because the name cannot be switched in any way (i.e. change from the County to the County Office of Planning) after award.

Applicants who have demonstrated poor management of past WQIP contract(s) will not be funded in Round 14. Also applicants who have not previously been awarded a WQIP grant but whose Round 14 application does not demonstrate the experience and ability to carry out the project will not be funded in Round 14.

Projects must have secured at least some of the necessary approvals and be ready to proceed with project implementation to be funded.

Projects that include ineligible activities will be deemed ineligible. See individual project types for a list of ineligible activities for each project type.

All municipalities and soil and water conservation districts must register in the NYS Grants Gateway to be eligible for this grant (<http://grantsreform.ny.gov>).

All not-for-profits must register and prequalify in the NYS Grants Gateway by the due date of this application to be eligible for this grant (<http://grantsreform.ny.gov>).

Eligible Types of Projects

- Wastewater Treatment Improvement
- Non-agricultural Nonpoint Source Abatement and Control
- Land Acquisition Projects for Source Water Protection
- Salt Storage
- Aquatic Habitat Restoration
- Municipal Separate Storm Sewer Systems (MS4s)

Ineligible WQIP Projects

- Application proposals that do not address water quality impairment or protect a drinking water source
- Projects that provide no matching funds

- Projects that are seeking funding for planning or design only
- Projects that include ineligible activities as described in the project type descriptions
- For Aquatic Habitat Restoration projects, projects which do not provide any species miles and have a pre-existing condition of minor or less

Eligibility Criteria:

To be eligible for consideration applicants must meet the following criteria:

1. Eligible Applicant
 - a. Municipality
 - b. Municipal Corporation
 - c. Regulated traditional Municipal Separate Storm Sewer Systems (MS4s)
 - d. Soil and Water Conservation District
 - e. Not-for-Profit Corporation (**Only** land acquisition for source water protection projects OR aquatic habitat restoration projects)
2. Eligible Project Type
 - a. Wastewater Treatment Improvement
 - b. Non-agricultural Nonpoint Source Abatement and Control
 - c. Land Acquisition Projects for Source Water Protection
 - d. Salt Storage
 - e. Aquatic Habitat Restoration
 - f. Municipal Separate Storm Sewer Systems (MS4s)
3. Registration in the NYS Grants Gateway
 - a. Municipalities, Municipal Corporations and Soil and Water Conservation Districts must be registered in the NYS Grants Gateway by the time of project award.
 - b. Not-for-Profit Corporations must be registered and pre-qualified in the NYS Grants Gateway by the application due date.

Environmental Facilities Corp. - Green Innovation Grant Program

Funding Available: \$15 million

DESCRIPTION:

The Green Innovation Grant Program (GIGP) provides grants on a competitive basis to projects that improve water quality and demonstrate green stormwater infrastructure in New York. GIGP is administered by the New York State Environmental Facilities Corporation (EFC).

Green infrastructure practices treat rainwater as a valuable resource to be harvested and used on site, or filtered and allowed to soak back into the ground, recharging our aquifers, rivers and streams. The plants used in green infrastructure help to cool our surroundings and improve air quality through the process of evapotranspiration. These green practices have multiple benefits, which include restoring habitat, protecting against flooding, providing cleaner air, and beautifying our streets to spur economic development and community revitalization.

Projects selected for funding go beyond offering a greener solution. They maximize opportunities to leverage the multiple benefits of green infrastructure, spur innovation in the field of stormwater management, build capacity to construct and maintain green infrastructure, and/or facilitate the transfer of new technologies and practices to other areas of the State.

ELIGIBLE APPLICANTS INCLUDE:

- Municipalities
- Intermunicipalities
- Interstate Agencies
- State Agencies
- Private Entities
- Soil and Water Conservation Districts

Eligible applicants may submit more than one grant application. However, EFC reserves the right to limit GIGP 9 funding to one grant award per applicant.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

GIGP funding is provided for water quality projects. Eligible project costs are limited to items that are directly attributable to the improvement or protection of water quality and integral to the success of the following eight specific green infrastructure practices:

Bioretention

Downspout Disconnection

Establishment or Restoration of, Floodplains, Riparian buffers, Streams or Wetlands

Green Roofs

Green Walls

Permeable Pavements

Stormwater Harvesting and Reuse, e.g. Rain Barrel and Cistern Projects

Stormwater Street Trees / Urban Forestry Programs Designed to Manage Stormwater

Applicants should refer to the New York State Stormwater Management Design Manual <http://www.dec.ny.gov/chemical/29072.html> for design guidance.

INELIGIBLE ACTIVITIES:

Projects which are **NOT ELIGIBLE** for GIGP funding include:

- Capital equipment costs such as street sweepers, sewer cleaners, and vacuum trucks
- Costs not directly attributable to water quality including: asbestos abatement and site amenities e.g. bus shelters, benches, light poles, traffic devices, etc.
- Green infrastructure practices which are being implemented to comply with the requirements of the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-15-002 ("Permit"). (Note: practices which are over and above Permit requirements will be considered for funding)
- Hardening, channelizing or straightening streams and/or stream banks
- In-line and end-of-pipe treatment systems that only filter or detain stormwater
- Potable water irrigation systems
- Stormwater controls that have impervious or semi-impervious liners and provide no compensatory evapotranspirative or harvesting function for stormwater retention
- Stormwater conveyance systems that are not soil/vegetation based (swales) such as pipes and concrete channels

- Stormwater ponds that serve an extended detention function and/or extended filtration, including dirt-lined detention basins
- Underground stormwater control and treatment devices such as swirl concentrators, hydrodynamic separators, baffle systems for grit, trash removal/floatables, oil and grease, inflatable booms and dams for in-line underground storage and diversion of flows
- Wetlands construction or restoration required as compensation (mitigation) for adverse impacts to wetlands or other environmental damage caused through construction activities. This ineligible category includes both tidal and freshwater wetland mitigation projects

ADDITIONAL RESOURCES:

For more information, visit <http://www.efc.ny.gov/gigp>

Sustainability Planning and Implementation

Climate Smart Communities Grant Program

Funding Available: Up to \$10 million

DESCRIPTION

Funding will be available for inventory, assessment, planning and implementation projects that advance the work of municipalities in addressing climate change. Priorities for the 2017 round include specific adaptation actions that reduce flood risk and increase preparedness for future extreme weather conditions, specific mitigation activities related to transportation and reduction of food waste, and specific Climate Smart Communities certification actions that advance municipal ability in the future to implement adaptation and mitigation projects in the identified implementation categories.

A municipal resolution from the lead applicant authorizing application submission and documenting the availability of local match in the event of grant award must be submitted at the time of application.

For general information and questions on the Climate Smart Communities Program, please contact the Office of Climate Change, New York State Department of Environmental Conservation, Office of Climate Change, 625 Broadway, Albany, NY 12233, 518-402-8448, climatechange@dec.ny.gov.

Eligible Applicants

Counties, cities, towns, villages and boroughs of the State of New York are eligible for funding.

Partnership projects are encouraged, but only one eligible, designated lead applicant can submit the application for grant funding. The lead applicant must assume the responsibility for the project application, performance of work consistent with this RFA, and compliance with the State of New York Master Contract for Grants. Letters or other written agreements substantiating the collaboration of each partner are required at the time of application.

Eligible Activities

Both implementation and certification (planning) projects will be considered, as follows:

1. Implementation Projects

Implementation projects must advance specific climate adaptation and greenhouse gas (GHG) mitigation activities in one of the categories described under a. and b. below.

Total available -	up to \$9.5 million
Minimum award -	\$10,000
Maximum award -	\$2,000,000
Design & engineering -	up to a maximum of 15% of the grant request

No more than 50% of the total available funds for implementation projects will be awarded to cities or towns with a population greater than 100,000 or to any single municipality.

a. Adaptation Categories:

Eligible projects in the adaptation categories will be evaluated based on their potential to provide a meaningful response at the municipal level to anticipated future conditions as a result of climate change. *You will be scored based on the anticipated future effectiveness of your response to projected climate conditions. Please review the evaluation criteria and scoring for implementation projects.*

b. Mitigation Categories:

Eligible projects in the mitigation categories will be evaluated based on their potential to provide a meaningful reduction in GHG emissions at the municipal level. *You will be scored based on the greenhouse gas emission reduction potential of your project. Please review the evaluation criteria and scoring for implementation projects.*

2. Certification Projects

Certification projects will encompass assessment, inventory and planning work necessary to advance one or more of the Climate Smart Communities certification actions identified (numbers in parentheses) for each category of actions below.

Total available -	up to \$500,000
Minimum award -	\$10,000
Maximum award -	\$100,000

No more than 50% of the total available funds for certification projects will be awarded to cities or towns with a population greater than 100,000 or to any single municipality.

You will be scored based on the anticipated effectiveness of your strategy to address future climate conditions and/or your planning and assessments supporting greenhouse gas reduction. Please review the evaluation criteria and scoring for certification projects.

a. Climate Smart Adaptation Strategies (CSC certification action #)**b. Climate Smart Land Use Planning (CSC Certification Action #)****c. Climate Smart Transportation Strategies (CSC Certification Action #)****d. Climate Smart Organic Waste Management Strategies (CSC Certification Action #)****Ineligible Costs**

Ineligible budget items include:

- costs for purchase of zero-emission vehicles (ZEV) and/or installation of electric vehicle service equipment (EVSE) or other charging or re-fueling infrastructure;
- indirect or overhead costs of the municipality, such as rent, telephone service, general administrative support, general-use computers, office equipment, general office supplies, general operations costs, membership fees, or subscription costs.
- Salaries and other expenses of elected officials, whether incurred for purposes of project direction, execution, or legislation;

- fund raising expenses;
- taxes, insurance, fines, deficit funding, bond interest and associated fees;
- contingency costs; and
- federal and other New York State funds.

Department of State - Local Government Efficiency Program

Funding Available: Approximately \$4 Million

DESCRIPTION

For the 2017-2018 program year approximately \$4 million is available under the Local Government Efficiency (LGE) Grant program to assist local leaders identify best practices and implement actions focused on reducing municipal expenditures, limiting the growth in property taxes and increasing efficiencies in service delivery. Projects can include local government reorganization, functional or service delivery consolidation, city or county charter revisions that include functional consolidation, cooperative service agreements, and establishment of regional service delivery mechanisms.

ELIGIBLE APPLICANTS

Local government efficiency projects must implement new opportunities for financial savings or exhibit great potential to modernize existing services. Additional benefits may include improving organization or management structures or improving public access to services.

Generally local governments must apply cooperatively for an LGE grant. However, in certain instances the program can provide direct assistance to fiscally stressed local governments to implement internal reorganizations or service delivery modifications.

ELIGIBLE ACTIVITIES / PROGRAM FUNDING:

Local governments may apply for implementation planning and implementation projects.

- The maximum funding for planning is \$12,500 for each local government involved in the project, not to exceed \$100,000.
- The total maximum cumulative funding for a project is \$200,000 for each local government involved in the project, not to exceed \$1,000,000.

Applicants are required to provide matching funds for all projects.

- For a planning grant, matching funds equal to at least 50% of the total project cost shall be required. Upon implementation, the original matching funds required will be refunded up to 90% of the eligible costs.
- For an implementation project, matching funds equal to at least 10% of the total project cost shall be required.

All grants are reimbursement grants. In order to receive full funding, the awardees must demonstrate that the project has received all appropriate public consideration, referenda where required.

For projects that implement a previously funded planning grant under the Local Government Efficiency (LGE) Grant program, the grant award from this RFA will be increased by the amount of the local matching funds provided for the planning grant.

INELIGIBLE ACTIVITIES:

For this application, projects shall not include plans for a local government re-organization eligible to receive a funding pursuant to the New York Department of State Local Government Citizens Re-Organization Empowerment Grant (CREG). CREG can assist those local governments that are developing plans for consolidation or dissolution pursuant to the terms of General Municipal Law 17-A, the "New N.Y. Government Reorganization and Citizen Empowerment Act". CREG funding is available on a monthly basis. Please visit the LGE program website at <http://www.dos.ny.gov/funding/> for more information on submitting a CREG grant.

ADDITIONAL RESOURCES: <http://www.dos.ny.gov/lg/lge/index.html>

Education/Workforce Development

Department of Labor - Workforce Development

Funding Available: Up to \$5 million

DESCRIPTION

Provides grants on a competitive basis for occupational skills training of employed, underemployed and unemployed individuals, commensurate with Regional Economic Development Council (REDC) priorities.

Occupational skills training is defined as instruction conducted in an institutional or worksite setting designed to provide individuals with the skills required to perform a specific job or group of jobs needed by a business.

ELIGIBLE PROJECT TYPE DESCRIPTIONS

Two project types are described:

1. Existing Employee Training (EET) Program; and
2. Unemployed Worker Training (UWT) Program.

1. Existing Employee Training (EET) Program

This program provides \$2 million in WIOA funds to train existing employees in specific occupational skills leading to attainment or retention of middle-skills occupations. Eligible bidders include private for-profit or private not-for-profit businesses or a lead bidder for a consortium of businesses that has two or more employees and are physically located in New York State.

2. Unemployed Worker Training (UWT) Program

This program provides \$3 million in WIOA funds to provide occupational skills training to unemployed and/or underemployed workers, with emphasis on serving priority populations, to qualify them for full-time (35-hours per week or more) or part-time employment or higher level of employment. Priority populations include but are not limited to: veterans, individuals with disabilities, formerly incarcerated individuals, long-term unemployed, and TANF and SNAP recipients. The complete list of priority populations under this program is presented in Attachment 11 of the solicitation.

ELIGIBLE BIDDERS

EET Program

- Private sector for-profit businesses, including corporations, LLCs, LLPs, etc. with two or more employees, or the equivalent of two full-time employees; or
- Private sector not-for-profit businesses with two or more employees, or the equivalent of two full-time employees.

UWT Program

- Private sector for-profit businesses, including corporations, LLCs, LLPs, etc. with two or more employees, or the equivalent of two full-time employees;
- Private sector not-for-profit businesses with two or more employees, or the equivalent of two full-time employees;
- Public sector not-for-profit business with two or more employees, or the equivalent of two full-time employees;

- Local Workforce Development Boards (LWDBs) with two or more employees; or
- Training providers with two or more employees, or the equivalent of two full-time employees.

CONTACT / ADDITIONAL PROGRAM INFORMATION:

The contact for this program is Krista Barringer, New York State Department of Labor, Division of Employment and Workforce Solutions, State Office Campus, Building # 12, Room # 440, Albany, New York, 12240, (518) 457- 8392.

Bidders may submit questions via electronic mail (CFA@labor.ny.gov). Questions regarding this solicitation will be accepted no later than July 19, 2017. No telephone inquiries will be accepted. All inquiries should reference "CFA Question" in the Subject line. Answers to all questions will be posted on NYSDOL's website (<http://labor.ny.gov/businessservices/funding.shtm>) on an ongoing basis, with the final posting taking place no later than July 21, 2017.

The full Request for Proposals (RFPs) and any related questions and answers are available on NYSDOL's web site at <http://www.labor.ny.gov/businessservices/funding.shtm> and at <http://labor.ny.gov/cfa/index.shtm>.

The New York State Department of Labor is an Equal Opportunity Employer. Auxiliary aids and services are available upon to individuals with disabilities.

Low Cost Financing

Federal Industrial Development Bond Cap

Available Funding: Up to \$300 million

DESCRIPTION:

Up to \$300 million of the 2017 statewide private activity bond allocation ("volume cap") authority under Federal guidelines will be dedicated to facilitate lower cost tax-exempt bond financing for qualified projects by authorized State and/or local government issuers.

ELIGIBLE APPLICANTS/PROJECT TYPES:

In order to receive the benefits of a tax-exempt interest rate, private borrowers and their projects must be eligible under one of the federally-recognized private activity bond categories described in the Internal Revenue Code (IRC) sections 142-144, and 1394.

The most common economic-development related private activity bonds include:

- Industrial Development Bonds for small (\$10 million or less) manufacturing projects; and
- Exempt Facility Bonds, which cover a wide range of facilities including:
 - Airports;
 - Mass commuting facilities;
 - Qualified residential rental projects;
 - Facilities for the furnishing of local electric energy or gas;
 - Local district heating or cooling facilities; and
 - Sewage facilities and solid waste disposal facilities.

Projects must meet the eligibility requirements of the federal IRC and any laws, rules, or regulations governing the provision of financial assistance by the authorized issuer. In addition, special consideration shall be given to projects supporting Regional Economic Development Council Opportunity Agenda priorities and Downtown Revitalization Initiative projects.

Downtown Revitalization Initiative

Priority consideration will be given to proposals which demonstrate they will advance downtown revitalization through transformative housing, economic development, transportation and community projects that will attract and retain residents, visitors and businesses - creating dynamic neighborhoods where tomorrow's workforce will want to live, work, and raise a family.

Opportunity Agenda Summary

In his 2013 State of the State address, Governor Cuomo announced the Regional Economic Development Council Opportunity Agenda. Regional Councils will use the lessons they have learned and the collaborations they have forged to help poor communities overcome the challenges that prevent them from fully participating in the state's economic revitalization.

Applicants **must** be authorized issuers (e.g., local industrial development agency (IDA)) or agents of such authorized issuers. Where the applicant is not the authorized issuer, the authorized issuer **must** be included in CFA as a co-applicant or additional contact.

CONTACT/ADDITIONAL PROGRAM INFORMATION:

For more information eligible applicants should visit

<http://www.empire.state.ny.us/BusinessPrograms.html>

or contact George LaPointe at Empire State Development by calling (518) 292-5307.

Developmental Disabilities Planning Council (DDPC)

99 Washington Ave, Suite 1230
Albany, NY 12210

NONPROFIT ORGANIZATIONS;* PUBLIC OR PRIVATE INSTITUTIONS, SUCH AS UNIVERSITIES, COLLEGES, HOSPITALS; DISABILITY-SERVICE ORGANIZATIONS; COMMUNITY-BASED ORGANIZATIONS; CONSORTIA, GROUPS OR PARTNERSHIPS AMONG ORGANIZATIONS

Abuse and Exploitation Prevention Strategic Planning

Organizations whose staff was involved in the development of this Request for Proposal are not eligible to directly apply or be included as a sub-contractor for another applicant.

*Note: the lead applicant cannot be a for-profit organization; however, for-profit organizations may serve as subcontractors to the lead applicant.

To fund one grantee up to \$75,000 for an 18-month period focused on the systematic information gathering including a review of existing literature and programming, as well as qualitative research, with the intended outcome of a strategic plan and recommendations for the DDPC to more adequately work in the area of exploitation and abuse and prevention.

OVERVIEW

Individuals with intellectual and developmental disabilities are at an increased risk of experiencing any one of the many forms of exploitation, abuse, and violence. Minimally, research shows that 30% of adults with disabilities experience one or more instances of mistreatment (Oktay and Tompkins 2004). Given the broad scope of potentially exploitative and abusive situations, in addition to the range of individuals affected by these various forms of mistreatment, the complex nature of the problem creates more questions, rather than generating answers, surrounding the best mechanisms to prevent abuse and exploitation.

While there are many training curricula for individuals, as well as care providers (in varying capacities) and families, these trainings are typically reactive in nature, and teach people how to respond once an instance of maltreatment has occurred, rather than serve as proactive mechanisms to enable individuals to avoid the pathways to abusive scenarios. The trainings typically educate participants using scenario-based curricula, but have thus far proven to be ineffective as far as real, tangible prevention efforts are concerned.

Exploitation and Abuse of Individuals with Intellectual and/or Developmental Disabilities

With the shifting service delivery system toward a community inclusive and self-determined approach, individuals with intellectual and developmental disabilities will be exposed to a multitude of scenarios that may be compromising to their personal safety and security. Not only must individuals be empowered to recognize and confidently respond to potentially abusive scenarios, caregivers and family members should have an increased awareness of what constitutes abuse and neglect, and how to avoid the pathways to these situations of mistreatment.

The purpose of this project is to address all forms of abuse and exploitation, including but not limited to: financial exploitation, physical and sexual abuse, emotional and psychological abuse, neglect and maltreatment, and abandonment and seclusion. These situations could happen in the home, in the certified care setting, or even in the community at large.

APPROACH

The intent of this grant initiative is to take a global look at the DD system, including accounting for the new community based and person centered trends toward which the system is moving, to assess the best ways to enable individuals, caregivers, staff, and the community at large to prevent abusive scenarios that impact those with ID/DD before they happen. The project funding aims to determine the factors that create pathways of abusive scenarios, as well as identify those who are most vulnerable to various forms of abuse and exploitation. The ultimate goal is to develop a strategic plan and accompanying recommendations to guide future projects in this area of need.

It is planned that the grantee will carry out some field research, using multiple methodologies, with individuals with ID/DD and their families and caregivers, in order to obtain first-hand information from the various forms of exploitation, and to access experiential and other data not readily available through literature review. A required component of this research project will be facilitating focus groups and in-person interviews, to discuss individual experiences and determine what relevant tools, resources, and approaches they might find useful. The applicant must take all necessary precautions to maintain the confidentiality and ensure sensitivity is provided for individuals with ID/DD who participate in the research.

EXPECTED OUTCOMES AND SCOPE OF WORK:

It is expected that the project will result in a strategic plan and step by step recommendations for next steps and future projects that will establish a clearer understanding of the barriers that exist related to providing prevention tools as well as building skills/capacity for individuals with intellectual and developmental disabilities to protect themselves. This project will assess the pathways to abusive situations and address how to break down these pathways in a proactive way, before abusive situations occur.

DDPC recognizes that individuals need better training on the environments and conditions that lead to exploitative situations. We also are aware that family members and caregivers need to be more aware of the signs of potentially abusive and neglectful situations. Accordingly, the focus of this project is to produce a gaps analysis and accompanying needs assessment that specifically identifies the most relevant areas of work, potential future project ideas, and shows effective strategies for breaking down pathways to abusive scenarios.

The DDPC is interested in topics including outreach, training, and self-advocacy. The successful applicant will detail a clear methodology that how they intend to perform the gaps analysis and needs assessment. The proposal should outline how patterns of and variables that lead to abuse, neglect, and exploitation of individuals with ID/DD will be documented, as well as the ways in which the grantee will collect demographic data and identify the specific needs of culturally and linguistically un- and underserved populations. Other relevant themes might include relevant experiential factors by age, gender, service setting, circles of support, degree of community engagement, level of self-advocacy training among several others.

The successful applicant will guide their targeted research utilizing the following questions:

- What are the patterns of abuse that currently affect the ID/DD population?
- Which individuals are most negatively affected?
- o That is, what circumstances lead to increased vulnerability, and how do we reach these individuals?
- How are diverse communities affected differentially, and what tools are needed to specifically meet their needs?
- Do the number of community connections (e.g. circle of support, connections to self-advocacy organizations, peer groups, local family members, etc.) positively or negatively affect patterns of abuse and neglect?
- How does self-advocacy affect the frequency of abuse?

- Is there a difference in frequency of abuse in congregate versus community settings?
 - o What variables are important to note?
- What strategies for prevention have worked in the past?
 - o What new strategies might be the most useful in reducing instances of abuse and exploitation?
 - o What curricula currently exist, which elements were successful, and what elements were unsuccessful?
- What tools/training do people need to protect themselves?
 - o What types of materials/mediums are needed to reach individuals with a range of functional needs?

This exploratory research project will determine the most significant barriers and provide directed guidance on future projects in the area of abuse and exploitation prevention. As a result of the targeted research, the grantee will identify priority areas for action, and will detail an outreach plan that includes strategies for future work in abuse prevention.

*If an individual has an adverse reaction to the content or materials involved in the project, the grantee assumes the responsibility of ensuring the individual is connected to appropriate supports and resources.

The full RFP can be downloaded from http://ddpc.ny.gov/council_funding_announcements_responsive. All interested applicants are required to submit a one page letter of intent by May 26, 2017 to Kimberly.Berg@ddpc.ny.gov. Letters of intent are required for applications to be accepted for this RFP.

It is the applicant's responsibility to check the DDPC website periodically for any amendments to the RFP. All changes will be posted by May 22, 2017 at http://ddpc.ny.gov/council_funding_announcements_responsive. No other notifications will be given.

All final grant applications should be sent to the address listed above and to the attention of Sheila Carey, Executive Director, and must be received by the DDPC office by 3:00 pm on June 23, 2017. No applications will be accepted after this deadline.

Developmental Disabilities Planning Council (DDPC)

99 Washington Ave, Suite 1230
Albany, NY 12210

NONPROFIT ORGANIZATIONS;* PUBLIC OR PRIVATE INSTITUTIONS, SUCH AS UNIVERSITIES, COLLEGES, HOSPITALS; DISABILITY-SERVICE ORGANIZATIONS; COMMUNITY-BASED ORGANIZATIONS; CONSORTIA, GROUPS OR PARTNERSHIPS AMONG ORGANIZATIONS

Multi-Media Peer-To-Peer Abuse Prevention

Organizations whose staff was involved in the development of this Request for Proposal are not eligible to directly apply or be included as a sub-contractor for another applicant.

*Note: the lead applicant cannot be a for-profit organization; however, for-profit organizations may serve as subcontractors to the lead applicant.

To fund one grantee up to \$175,000 for an 18 month, multi-strategy grant that creates an electronic resources for individual individuals with ID/DD, their family members, and caregivers, to learn about, and participate in abuse prevention and peer education.

OVERVIEW

There is no shortage of information regarding the frequency with which individuals with ID/DD experience instances of exploitation and abuse. Minimally, over 1/3 of adults with disabilities experience some form of abuse or exploitation, in at least one of the following ways: physical abuse, sexual abuse, financial exploitation, neglect, and psychological abuse. Often, however, individuals experience multiple instances of the various forms of abuse listed above, in addition to being at an increased risk for interpersonal violence and exploitation.

While a sizeable literature on the prevalence of these situations exists, in addition to several prevention materials and trainings, there is little evidence that demonstrates the effectiveness of these materials in reducing actual threats. In fact, despite scenario-based strategies, instances of abuse and neglect are on the rise, with the increase of individuals living in community-based and self-determined settings. Accordingly, individuals with ID/DD need access to readily available resources that provide peer-to-peer educational assistance and information at the ready, that will better equip individuals, family members, and caregivers with the tools they need to avoid and/or respond to scenarios of abuse.

Approach

Through this grant initiative, the DDPC intends to fund the creation of an online peer-to-peer support forum, website, and resource repository. The successful applicant will use social media and other platforms to provide educational information, resources, links, and tools, to support abuse prevention skill building for people with intellectual, developmental, and other disabilities. Social media campaigns and mobile phone and tablet applications are effective methods to reach across populations. It is intended that the grantee would develop a social media mobile application, blog where individuals can share their personal experiences, peer-to-peer educational resources, as well as a central website where individuals can go to ask questions, respond to others, and share stories about their experiences. The website would also consist of a repository for resources individuals can use to help protect themselves including video vignettes, to build their personal capacity, and know where to turn should they experience an exploitative situation. The products and tools of this grant will be fully accessible for individuals with varying needs. Alternative formats (including but not limited to large print, recorded audio, closed captioning, physical and electronic, etc.) will be offered, for those who do not have ready access to the internet or smart technology.

Peer-to-peer educational methods are productive resources to quickly deliver reader-specific information. The website would serve as a peer educational resource, which individuals could utilize to share their experiences and stories. The anticipated platform must maintain individual confidentiality and security. It is expected that the grantee will provide trainings and capacity building for individuals with ID/DD in order that they can most easily utilize these resources.

Expected Outcomes

The website, smart technology application with peer-to-peer forum and informational repository, tools, and social media campaign must be provided in plain, simplified language, so that all individuals can access the materials on the site and as part of the campaign. The website and products of this project should be broad in scope, in order that materials and associated components produced through this grant provide education and resources about the various forms of exploitation, abuse, exploitation, neglect, and so forth. Additionally, the material should be presented in a culturally competent and linguistically sensitive manner. The campaign and products should be marketed throughout all regions of the state. The

materials must maintain the safety of individuals who will utilize the platform. Also, training sessions should be offered for individuals with ID/DD, with instructions and testing for using the website, throughout the state. Throughout the duration of DDPC funding, the grantee will be exploring tangible ways to ensure project sustainability beyond the term of funding.

*If an individual has an adverse reaction to the content or materials involved in the project, the grantee assumes the responsibility of ensuring the individual is connected to appropriate supports and resources.

The full RFP can be downloaded from http://ddpc.ny.gov/council_funding_announcements_responsive

All interested applicants are required to submit a one page letter of intent by May 26, 2017 to Kimberly.Berg@ddpc.ny.gov. Letters of intent are required for applications to be accepted for this RFP.

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All final grant applications should be sent to the address listed above and to the attention of Sheila Carey, Executive Director, and must be received by the DDPC office by 3:00 pm on June 23, 2017. No applications will be accepted after this deadline.

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE

Division of Criminal Justice Services DNA Subcommittee

Pursuant to Public Officers Law section 104, the Division of Criminal Justice Services gives notice of a meeting of the DNA Subcommittee to be held on:

Date: May 19, 2017
Time: 9:30 a.m. - 1:00 p.m.
Place: Empire State Development Corporation (ESDC)
633 3rd Ave.
37th Fl. Board Rm.
New York, NY

Identification and sign-in are required at this location. *For further information, or if you need a reasonable accommodation to attend this meeting, contact:* Catherine White, Division of Criminal Justice Services, Office of Forensic Services, 80 S. Swan St., Albany NY 12210, (518) 485-5052

PUBLIC NOTICE

Department of Financial Services 11 NYCRR Part 16

Introduction

Part 16 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("11 NYCRR 16" or "Regulation 86") implements Article 63 of the Insurance Law. Article 63 authorizes special risks that are jumbo in dimension or exotic in nature to be written in the "free trade zone". Insurance companies do not have to file the rates and forms with the Department of Financial Services for risks written in the free trade zone. However, the rates and policy forms used for the special risks still must comply with the governing standards set forth in the Insurance Law and regulations promulgated thereunder.

Pursuant to Regulation 86, "special risks" are specifically identified and categorized into three groups: Class 1, Class 2, and Class 3. Class 2 includes coverages that are:

(i) of an unusual nature, a high loss hazard, or difficult to place; and
(ii) identified on the list set forth in 11 NYCRR Section 16.12(e), or additions made thereto pursuant to 11 NYCRR Section 16.8(f).

Section 16.8(f) establishes procedures for adding Class 2 risks to the regulatory framework. Application may be made to the Superintendent of Financial Services ("Superintendent") to add a class to the list of eligible Class 2 risks enumerated in Section 16.12(e). If the Superintendent, after review of the application, determines that a Class 2 risk should be added to the list, the added risk is published in the State Register in accordance with Section 16.8(f)(3).

Additions to Class 2 risks are effective on the date specified in the Public Notice that is published in the State Register. The text of Regulation 86 is periodically amended to incorporate the Class 2 risks added via publication in the State Register.

Notice of Additions

Pursuant to Insurance Law Article 63 and 11 NYCRR Section 16.8(f)(3), the Department of Financial Services hereby gives notice of the following additions to Section 16.12(e) Class 2 Risks, effective upon publication in the State Register. The classification descriptions are as follows:

Statistical Code Classification

- | | |
|---------|---|
| 2-50011 | Crowdfunding Platforms – Directors and Officers Liability Insurance, Professional/Errors & Omissions Liability, or Fiduciary Liability Policies providing liability coverage for companies providing a platform, frequently a website or internet application, used to fund projects or ventures by raising monetary contributions from a large number of people. |
| 2-50010 | Directors and Officers Liability Insurance – Biotech & Nanotechnology. Policies providing liability coverage for directors and officers of biotechnology and nanotechnology companies. |

Notice of Changes

Pursuant to Insurance Law Article 63 and 11 NYCRR Section 16.8(f)(3), the Department of Financial Services hereby gives notice of the following changes of definition for statistical code designations 2-14042 Data Processors—Programmers and Analysts, 2-14197 Commercial Real Estate Agents and Brokers, 2-22002 Automobile Racing Liability, 2-22003 Auto Racing and Automobile Race Track Liability, and 2-02038 Television Breakdown—Closed Circuits. The classification descriptions are as follows (matter deleted is in brackets; new matter is underlined):

Statistical Code Classification

- | | |
|---------|--|
| 2-14042 | [Data Processors—Programmers and Analysts] <i>Technology Products & Services</i>
<i>Includes data processors, programmers, analysts, software developers, information and network service providers, cloud service providers, website hosting services and similar professional technology products and services. Errors or omissions in the performance of (or failure to perform) services in connection with the insured's information and network technology products or services (including hardware or software).</i> |
|---------|--|

- 2-14197 *Commercial and Residential Real Estate Agents and Brokers and Property Management Services*
Policies covering the liability of real estate agents and brokers and property managers who are engaged in large commercial and residential real estate projects. The policies would include, but are not limited to, liability coverage for acts arising out of the brokerage of sales and lease of real estate, property management, construction management and consulting, general consulting, franchising, joint ventures, mortgage brokering, appraisals, auction, referrals, business brokerage activities and the development of owned commercial and residential real estate.
- 2-22002 [Automobile] *Motorsports Racing Liability*
Liability coverage for owners or lessors of *motorsports racing venues* (e.g. race tracks for oval track events, drag races, monster truck rallies, motocross, motorcycle, boat or snowmobile racing, and other types of motorized vehicle competitive events).
- 2-22003 [Auto] *Motorsports Racing and [Automobile Race Track] Motorsports Liability*
Coverage for claims of spectators, participants or other third parties in connection with the operation of [an automobile race track or drag strip] *motorsports venues*, or the staging or conduct of [an automobile race] *motorsports events or participation therein by teams and individuals*.
- 2-02038 *Television Broadcast Interruption [Breakdown-Closed Circuits]*
Covers the reduction in gross admission fees caused by interruption by breakdown, failure, malfunctioning or any disorder of equipment lines and appurtenances thereto, which prevents presentation of the audio or showing of [the] a telecast.

For further information you may contact: Hoda Nairooz by email at hoda.nairooz@dfs.ny.gov, by mail at Department of Financial Services, Property Bureau, One State St., New York, NY 10004, or by calling (212) 480-5595

PUBLIC NOTICE

Department of Health

The New York State Department of Health (DOH) is required by the provisions of the federal Beaches Environmental Assessment and Coastal Health (BEACH) Act to provide for public review and comment on the Department's beach monitoring and notification plan. The BEACH Act (Section 406(b) of the Clean Water Act) enacted a federal Environmental Protection Agency grant program available to states, such as New York, with coastal recreational waters. Coastal recreational waters include the Great Lakes and marine coastal waters that are designated for swimming, bathing, surfing, or similar water contact activities. The Act is not applicable to inland waters or waters upstream of the mouth of a river or stream having an unimpaired natural connection with the open sea.

The beach monitoring and public notification plan also includes information on the beach evaluation and classification process, including a list of waters to be monitored and beach ranking. Also included in this plan, is the sampling design and monitoring plan, including sampling location and sampling frequency. Lastly, the plan contains information on procedures for public notification and risk communication, including methods to notify the public of a swimming advisory or beach closure.

Any interested parties and/or agencies desiring to review and/or comment on the beach monitoring and notification plan for coastal recreational waters may do so by writing to: Timothy M. Shay, Assistant Bureau Director, Department of Health, Center for Environmental Health, Bureau of Community Environmental Health and Food Protection, Empire State Plaza, Corning Tower Bldg., Rm. 1395, Albany, NY 12237, Fax: (518) 402-7609

PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for institutional, non-institutional, long term care, and prescription drug services to comply with enacted statutory provisions. The following changes are proposed:

All Services

- Payments to Critical Access Hospitals based on criteria as determined by the Commissioner of Health.

The estimated annual increase in gross Medicaid expenditures for this initiative is \$20 million.

Institutional Services

- Payments to hospitals that meet the criteria as an enhanced safety net hospital. The criteria are as follows: In any of the previous three calendar years, the hospital has had not less than fifty percent of the patients it treats receive Medicaid or be medically uninsured; not less than forty percent of its inpatient discharges are covered by Medicaid; twenty-five percent or less of its discharged patients are commercially insured; not less than three percent of the services are attributed to the care of uninsured patients; it provides care to uninsured patients in its emergency room, hospital based clinics and community based clinics, including the provision of important community services such as dental care and prenatal care.

The estimated annual increase in gross Medicaid expenditures for this initiative is \$20 million.

Long Term Care Services

- The Enacted Budget limits reimbursement to Nursing Homes for bed hold days to therapeutic leaves of absence.

The estimated annual net decrease in gross Medicaid expenditures attributable to this cost containment initiative contained in the budget for state fiscal year 2017/2018 is (\$20) million.

Non-Institutional Services

- The initiative previously noticed regarding the elimination of supplemental medical assistance payments of up to \$6 million annually made to providers of emergency medical transportation was not included in the Enacted Budget for state fiscal year 2017/2018.

Prescription Drugs:

- The initiative previously noticed regarding the co-pay for over-the-counter (OTC) non-prescription drug/items increased from \$0.50 to \$1.00 was eliminated from the budget for state fiscal year 2017/2018.

• Effective April 1, 2017, to mitigate high drug costs, the Department will establish a Medicaid prescription drug cap as a separate component of the Medicaid global cap with year to year spending targets. Drug expenditures will be reviewed quarterly. If it is determined that expenditures will exceed annual growth limitation, the Commissioner may identify and refer drugs to the Drug Utilization Review Board (DURB) for a recommended target supplemental rebate. The Department shall notify affected manufacturers prior to referring drug(s) to DURB, and attempt to reach a rebate agreement.

When determining whether to recommend a drug to the DURB for a target supplemental rate, the department shall consider the actual cost of a drug to the state, including current rebate amounts, taking into consideration whether the drug manufacturer provides significant discounts relative to other covered drugs. When considering whether to recommend a target supplemental rate for a drug, the DURB shall consider the actual cost of the drug to the Medicaid program including state and federal rebates, and may consider:

- o Impact on spending target, capitation rates and affordability and value to the program;
- o Significant and unjustified price increases;
- o Whether the drug may be priced disproportionately to its therapeutic benefits.

If a target rebate is recommended by the DURB, and the department is unable to negotiate a rebate of at least 75% of the target rebate

amount with the manufacturer(s), the “prescriber prevails” provision (if applicable), may be waived for the target drug(s).

If a target rebate is recommended by the DURB, and the department is unable to negotiate a rebate which it deems satisfactory, the Department may collect additional cost information from the manufacturer.

If, regardless of rebates, total Medicaid drug expenditures are still projected to exceed the prescription drug cap, the department may invoke prior authorization on the targeted drug(s) or other drugs made by the same manufacturer, direct Medicaid managed care plans to remove the target drug(s) from their formularies, or promote the use of alternative cost and clinically effective drugs.

The estimated annual aggregate decrease in Medicaid expenditures for state fiscal year 2017-18 for this initiative is \$110 million.

The overall estimated annual net aggregate increase in gross Medicaid expenditures attributable to reform and other initiatives contained in the budget for state fiscal year 2017/2018 is \$233,906,637.

The public is invited to review and comment on this proposed State Plan Amendment. Copies of which will be available for public review on the Department’s website at http://www.health.ny.gov/regulations/state_plans/status.

Copies of the proposed State Plan Amendments will be on file in each local (county) social services district and available for public review.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact:
Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1460, Albany, NY 12210, spa_inquiries@health.ny.gov

PUBLIC NOTICE

Office of Parks, Recreation and Historic Preservation

Pursuant to section 14.07 of the Parks, Recreation and Historic Preservation Law, the Office of Parks, Recreation and Historic Preservation hereby gives notice of the following:

In accordance with subdivision (c) of section 427.4 of title 9 NYCRR notice is hereby given that the New York State Board for Historic Preservation will be considering nomination proposals for listing of properties in the State and National Register of Historic Places at a meeting to be held on Thursday, June 15, 2017 at Peebles Island State Park, 1 Delaware Avenue, Cohoes, NY 12188.

The following properties will be considered:

1. Delaware Avenue Baptist Church, Buffalo, Erie County
2. Newberry Building, Batavia, Genesee County

3. Linde Air Products Factory, Buffalo, Erie County
 4. Springville Baptist Church (Boundary Expansion), Springville, Erie County
 5. Allegany Council House, Jimmersontown, Allegany Indian Territories (AIR), Cattaraugus County
 6. Morgan Dunne House, Syracuse, Onondaga County
 7. West High School, Auburn, Cayuga County
 8. Congregation Ohab Zedek, New York County
 9. Swan River Schoolhouse, East Patchogue, Suffolk County
 10. Second & Ostrander Historic District, Riverhead, Suffolk County
 11. Charles & Anna Bates House, Greenport, Suffolk County
 12. 390 Ocean Avenue, Massapequa, Nassau County
 13. George Sumner Kellogg House, Baldwin, Nassau County
 14. Oak Hill Historic District, Durham, Greene County
 15. Gumaer Cemetery, Deerpark, Orange County
 16. Crandell Theatre, Chatham, Columbia County
 17. Phillipsport Methodist Church and Phillipsport District 16 Schoolhouse, Phillipsport, Sullivan County
 18. Oneida Downtown Commercial Historic District, Oneida, Madison County
 19. Sagamore Apartment House, Syracuse, Onondaga County
 20. Oswego & Syracuse Railroad Freighthouse, Oswego, Oswego County
 21. First Lewis County Clerk’s Office, Martinsburg, Lewis County
 22. Lady Tree Lodge, Saranac Inn, Franklin County
 23. Stillwater Fire Observation Station, Webb, Herkimer County
 24. St. Matthew’s Episcopal Church, Horseheads, Chemung County
 25. House at 5680 Seneca Point Rd., South Bristol vic., Ontario County
 26. Coeymans Landing Historic District, Coeymans, Albany County
- To be considered by the board, comments may be submitted to Michael F. Lynch, P.E., A.I.A., Deputy State Historic Preservation Officer and Director, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, New York 12188-0189, no later than Wednesday, June 14, 2017 or may be submitted in person at the meeting by contacting Michael F. Lynch at the same address no later than June 14.
- For further information, contact:* Michael F. Lynch, P.E., A.I.A., Deputy State Historic Preservation Officer and Director, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, NY 12188-0189, (518) 268-2130

PUBLIC NOTICE

County of Seneca

The County of Seneca is requesting proposals from qualified administrative service agencies, and/or financial organizations relating to administration, trustee services and/or funding of a deferred compensation plan for employees of The County of Seneca meeting the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

A copy of the proposal questionnaire may be obtained from: Kathy Corona, Personnel Officer, Seneca County Personnel Office, One DiPronio Dr., Waterloo, NY 13165, (315) 539-1712, Fax (315) 539-1658, e-mail: kcorona@co.seneca.ny.us

All proposals must be submitted no later 30 days from the date of publication in the New York State Register no later than 4:30 p.m.

PUBLIC NOTICE

Department of State

F-2016-0130

Date of Issuance – May 10, 2017

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities

described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2016-0130, Gary Knapp/Cold Spring Harbor Beach Club at 101 Shore Rd Cold Spring Harbor (Town of Huntington), NY is proposing to perform maintenance dredging of the existing Marina to -8 feet mean low water to remove approximately 3,500 cy of material, with subsequent open-water disposal of the dredged material at the Central Long Island Sound Disposal Site (CLIS/CLDS) or Western Long Island Sound Disposal Site.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, by May 25, 2017.

Comments should be addressed to the Department of State, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231. (518) 474-6000; Fax (518) 473-2464. Comments can also be submitted electronically via e-mail at: CR@dos.ny.gov. Please reference file no. F-2016-0130 in your submission.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2017-0060

Date of Issuance – May 10, 2017

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2017-0060, The Town of Clinton, CT is proposing the Clinton Town Dock dredging project at 37 Riverside Drive, Clinton, CT. They propose to remove approximately 8,400 cubic yards of material with subsequent disposal at the Central Long Island Sound Disposal Site.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, May 25, 2017.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231. (518) 474-6000; Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2017-0139

Date of Issuance – May 10, 2017

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2017-0139, the Brewer Deep River Marina, 50 River Lane, Deep River, Connecticut River, Middlesex County, CT; The applicant is proposing to perform maintenance dredging of the existing Marina and access channel to remove approximately 11,000 cy of material, with subsequent confined open-water disposal of the dredged material at the Central Long Island Sound Disposal Site (CLIS/CLDS). The volume of cap material required is not available at this time.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, by May 25, 2017.

Comments should be addressed to the Department of State, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231. (518) 474-6000; Fax (518) 473-2464. Comments can also be submitted electronically via e-mail at: CR@dos.ny.gov. Please reference file no. F-2017-0139 in your submission.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2017-0168

Date of Issuance – May 10, 2017

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2017-0168, the City of Stamford is proposing to perform maintenance dredging of the existing Cummings Marina Basin at Shippan Ave, Stamford, CT of approximately 2,032 cy of material, with subsequent open-water disposal of the dredged material at the Central Long Island Sound Disposal Site or the Western Long Island Sound Disposal Site.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, by May 25, 2017.

Comments should be addressed to the Department of State, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231. (518) 474-6000; Fax (518) 473-2464. Comments can also be submitted electronically via e-mail at: CR@dos.ny.gov. Please reference file no. F-2017-0168 in your submission.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2017-0194

Date of Issuance – May 10, 2017

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities

described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2017-0194, Drenckhahn Boat Basin, Incorporated is proposing to perform maintenance dredging over a 50,000 sq ft area at a marina to remove approximately 6,500 cy of material at 105 River Rd, Greenwich, CT, with subsequent open-water disposal of the dredged material at the Western Long Island Disposal Site.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, by May 25, 2017.

Comments should be addressed to the Department of State, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231. (518) 474-6000; Fax (518) 473-2464. Comments can also be submitted electronically via e-mail at: CR@dos.ny.gov. Please reference file no. F-2017-0194 in your submission.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2017-0195

Date of Issuance – May 10, 2017

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2017-0195, the Milford Wharf Company, dba Port Milford is proposing to perform maintenance dredging over a 120,000 sq ft area to remove approximately 20,000 cy of material at 164 Roger Ave. Milford, CT, with subsequent open-water disposal of the dredged material at the Central Long Island Sound Disposal Site or Western Long Island Disposal Site.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, by May 25, 2017.

Comments should be addressed to the Department of State, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231. (518) 474-6000; Fax (518) 473-2464. Comments can also be submitted electronically via e-mail at: CR@dos.ny.gov. Please reference file no. F-2017-0195 in your submission.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2017-0336(DA)

Date of Issuance – May 10, 2017

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities

described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

A federal agency has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The agency's consistency determination and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2017-0336 (DA) The General Services Administration, is proposing to construct approximately three miles of pipeline to provide potable water to the Massena Land Port of Entry. The proposed pipeline route is along Haverstock and Rooseveltown Roads.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, May 25, 2017.

Comments should be addressed to the Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231. (518) 474-6000; Fax (518) 473-2464 or CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Uniform Code Regional Boards of Review

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen, Building Standards And Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2017-0129 Matter of CAMP CHAVIVA, 10-54 Reads Lane, Far Rockaway, NY, for a variance concerning fire safety requirements, including sprinkler system. Involved is a gymnasium and classroom building, located at 1106 Ulster Heights Road, Town of Warwarsing, County of Ulster, State of New York.

2017-0161 Matter of Andrew N. Alesia, AIA, Four Oxford Crossings, Suite 104, New Hartford, NY 13413 for Utica Mohawk Valley Memorial Auditorium Authority for a variance concerning fire safety and building code requirements including a variance to omit an automatic sprinkler system coverage over a center portion of a sports arena of existing building and still allow unlimited building area.

Involved is an addition to an indoor sports arena (assembly) occupancy, known as "Utica Mohawk Valley Memorial Auditorium", located at 400 Oriskany Street West, City of Utica, Oneida County, State of New York.

2017-0162 Matter of Eileen M. Mahar, 1 Monarch Drive, Fairport, NY 14450 for a variance concerning safety requirements, including accessibility in a building, located at 581 Whitney Road W., Town of Perinton, County of Monroe, State of New York.

APPENDIX

The following Appendix was filed with a Notice of Emergency/
Proposed Rule Making pertaining to Species of Ash Trees,
Parts Thereof and Products and Debris Therefrom Which Are

at Risk for Infestation by the Emerald Ash Borer, I.D. AAM-
19-17-00006-EP published in this issue of the State Register.

Emerald Ash Borer (EAB) Quarantine

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